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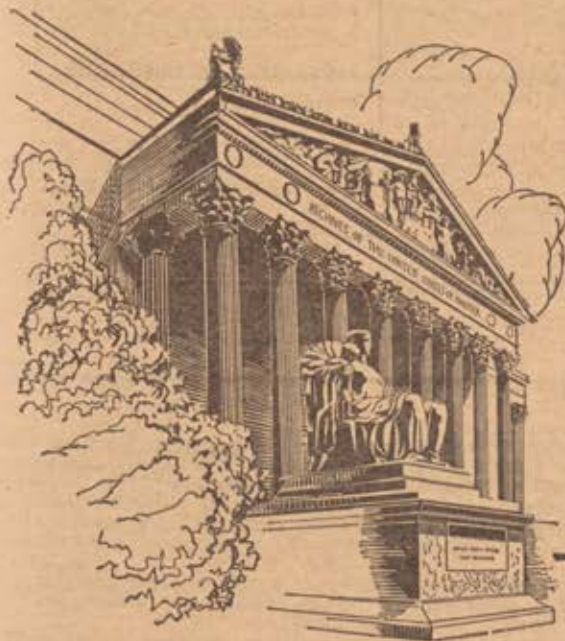
• Washington, D.C.

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Agencies in this issue—

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Agency for International Development
Agricultural Research Service
Civil Aeronautics Board
Commerce Department
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Trade Commission
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Title 3—THE PRESIDENT

Executive Order 11234

ESTABLISHING THE PRESIDENT'S COMMISSION ON CRIME IN THE DISTRICT OF COLUMBIA

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Commission.* (a) There is hereby established the President's Commission on Crime in the District of Columbia (hereafter referred to as the "Commission").

(b) The Commission shall be composed of such members as the President shall appoint, one of whom shall be designated by the President as the Chairman. The members and the Chairman shall serve at the pleasure of the President.

SEC. 2. *Functions of Commission.* (a) The Commission shall inquire into the following matters in the District of Columbia and make such studies, conduct such hearings, and request such information as it deems appropriate for this purpose:

(1) The causes of crime and delinquency and measures for their prevention.

(2) The organization and adequacy of law enforcement and the administration of justice.

(3) The correction and rehabilitation of offenders, particularly first offenders.

(4) The adequacy and effectiveness of the criminal laws.

(5) The relationships between police authorities and the citizenry in the various sections of Washington and the relationships between police authorities and public or private agencies providing welfare or similar services.

(6) Such other matters as the Commission may determine to be relevant to the prevention and control of crime and the achievement of fair and effective law enforcement.

(b) The Commission shall develop standards and make recommendations for:

(1) Increasing the level of education and training of police personnel and the qualifications necessary for appointment to the police force.

(2) Improving the organization and techniques of the police force and providing it with the best equipment and facilities available.

(3) Educating the community at large to the problems encountered by the police and other law enforcement authorities, promoting respect for law and achieving community involvement in the field of law enforcement.

(4) Coordinating the programs and activities of the police force and those of appropriate public and private organizations.

(5) Promoting better public understanding of the causes of crime, and of the means, in addition to law enforcement activities, of preventing and controlling crime.

(6) Improving the methods used in the correction and rehabilitation of offenders.

(7) Devising programs, through new agencies or otherwise, for the disposition of cases of various kinds of misconduct by means alternative to criminal trials.

(8) Expediting the handling of criminal cases, at every stage from arrest to completion of trial.

(9) Revising the criminal laws.

(10) Carrying out other programs and activities designed to prevent and control crime or to achieve fair and effective law enforcement.

SEC. 3. *Liaison and Coordination.* The Attorney General, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, and the Board of Commissioners of the District of Columbia each shall designate a representative to serve with the Commission as liaison. All departments and agencies of the Federal Government and the District of Columbia shall cooperate with the Commission and furnish it such information and assistance, not inconsistent with law, as it may require in the performance of its functions and duties. The Commission shall establish liaison and cooperate with any similar body constituted to study law enforcement and the administration of justice throughout the Nation, and shall consult, as may be appropriate, with members of the Federal and District of Columbia judiciary and their assistants concerning matters of common interest.

SEC. 4. *Task Forces.* (a) The Chairman of the Commission, after consultation with the other members, and at such times as the Commission may deem appropriate, shall constitute task forces composed of persons who are authorities in professional or technical fields related to crime or juvenile delinquency, or persons representative of the general public who are leaders in activities concerned with crime or juvenile delinquency. The task forces, and persons who are members, shall serve at the pleasure of the Commission.

(b) The task forces shall furnish the Commission information, advice and recommendations with respect to the functions set forth in section 2 of this order and shall engage in such other activities as the Commission may deem appropriate.

SEC. 5. *Personnel and Administration.* (a) The Commission is authorized to appoint and fix the compensation of an executive secretary and such other personnel as may be necessary to enable it to carry out its functions.

(b) Members of the Commission may be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b-2) for persons serving without compensation.

(c) The Commission is authorized to obtain services, including the services of individuals as members of task forces, in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed \$100 per diem.

(d) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

(e) All necessary expenses incurred in connection with the work of the Commission shall be paid from the "Special Projects" fund of the President or such other funds as may be available for the purposes of the Commission.

SEC. 8. *Reports and Termination of Commission.* The Commission shall make reports and recommendations to the President from time to time as it deems suitable and shall present a final report and recommendations not later than one year from the date of this order. The Commission shall terminate not later than sixty days after presenting such final report and recommendations.

LYNDON B. JOHNSON

THE WHITE HOUSE,
July 16, 1965.

[F.R. Doc. 65-7712; Filed, July 19, 1965; 11:17 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 10; Rev. I]

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation With Respect to Labels for Large Containers

Pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k), Interpretation 10 with respect to labels for large containers (7 CFR 362.108) is hereby amended to read as follows:

§ 362.108 Interpretation with respect to labels for large containers.

(a) *Requirements of the Act.* The act and the regulations require labels on all containers of economic poisons which come within the scope of the act. There is no exemption in the case of large containers such as tank cars, tank trucks, or drums. Therefore, all such containers must be labeled.

(b) *Where label must appear.* (1) Labels for economic poisons in tank cars, may be attached to the panel borne by such cars for the purpose of attaching notices, or they may be placed directly on any conspicuous part of the tank where they can be easily read.

(2) Labels for economic poisons in tank trucks may be placed at any conspicuous place on the tank; however, when a tank truck is used only to deliver economic poisons to the user and the tank does not remain in the user's custody, a label attached to the tank would not be informative to the user. In such cases, the label may be attached to the delivery sheet which is carried by the driver of the truck and left with the user at the time of delivery.

(3) Labels for economic poisons in drums may consist of printed labels securely attached to the drums or labels may be stenciled on the drums. In either case labels must be clearly legible and easy to read.

(c) *Contents of label.* The following information must appear on the label:

(1) The name of the product. This must be the name under which it is registered with the U.S. Department of Agriculture.

(2) The name and address of the manufacturer, registrant, or person for whom manufactured.

(i) If the name is other than that of the manufacturer, the label should indicate this fact.

(ii) If the name is not that of the primary registrant, it must be the name of some other person or firm which has been added by a supplemental registra-

tion statement under the provisions of section 4a of the act.

(3) The net contents of the container, or in the case of a label attached to a delivery receipt of tank truck delivery, the net amount delivered.

(4) The ingredient statement.

(5) The registration number assigned to the economic poison as required in § 362.6(f).

(6) Any warning or caution statement which may be necessary to prevent injury to living man, beneficial animals, and beneficial plants. This statement is particularly important on large containers, since leakage may occur and result in injury to persons or property unless users or handlers are warned to take adequate precautions.

(7) In the case of an economic poison highly toxic to man, the skull and crossbones, the word "POISON" prominently in red, and an antidote statement.

(d) *Directions for use.* Directions for use are required on the labeling of economic poisons whenever they are necessary to protect the public.

(1) Detailed directions for use as prescribed in Interpretation 7 (Rev. 1) will be required on the labeling of all economic poisons for which the composition, methods of use, possible hazards involved, and effectiveness for economic poison purposes are not well known. Such directions for use may appear on the label or on other printed matter which is delivered to the user with the economic poison or otherwise accompanies the economic poison.

(2) Detailed directions for use may be omitted from the labeling of well known economic poisons which are sold in containers of 100 pounds or more of a solid intended primarily for use undiluted, 50 pounds or more of a solid intended primarily for use after dilution, 55 gallons or more of a liquid intended primarily for use undiluted, or 20 gallons or more of a liquid intended primarily for use after dilution: *Provided:*

(i) There is readily available general knowledge of the composition, methods of use, and effectiveness of the product for economic poison purposes;

(ii) Option 1 of the ingredient statement is followed; and

(iii) In the Opinion of the Director, such directions are not necessary for the protection of the public.

(e) *Acceptable types of labeling.* The following are examples of acceptable labels for two well known economic poisons.

(1) For creosote oil, free of water or free carbon.

CREOSOTE OIL

Active Ingredient 100%
John Doe and Company
Washington, D.C.
Net contents 55 gallons
USDA Reg. No. XXX-XX

CAUTION: Avoid prolonged or repeated contact with the skin or breathing of the vapors. Keep out of reach of children.

(2) For 5 percent DDT dust sold in a 100-pound barrel.

DDT DUST

Active Ingredient:	Percent
Dichloro Diphenyl Trichloroethane (DDT)	5
Inert Ingredients	95
Total	100

Net weight 100 pounds
John Doe and Company
New York, N.Y.
USDA Reg. No. XXX-XX

CAUTION: Keep out of reach of children. Avoid breathing dust. Avoid contamination of feed and foodstuffs.

Effective date. This revision of Interpretation 10 shall become effective upon its publication in the FEDERAL REGISTER, when it shall supersede Interpretation 10.

Done this 14th day of July 1965.

JUSTUS C. WARD,
Director, Pesticides Regulation
Division, Agricultural Research Service.

[F.R. Doc. 65-7631; Filed, July 19, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 169, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient,

and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.469 (Lemon Regulation 169, 30 F.R. 8747) are hereby amended to read as follows:

§ 910.469 Lemon Regulation 169.

- (b) *Order.* (1) * * *
- (ii) District 2: 358,050 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 15, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 65-7632; Filed, July 19, 1965;
8:49 a.m.]

[Lime Reg. 20]

PART 911—LIMES GROWN IN
FLORIDA

Quality and Size Regulation

§ 911.322 Lime Regulation 20.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 19, 1965. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 19 (30 F.R. 7647) and are subject thereunder to quality and size restrictions; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and

the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 18, 1965, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on July 14, 1965, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Lime Regulation 19 (30 F.R. 7647) is hereby terminated at 12:01 a.m., e.s.t., July 19, 1965.

(2) During the period beginning at 12:01 a.m., e.s.t., July 19, 1965, and ending at 12:01 a.m., e.s.t., April 1, 1966, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color, with not less than 60 percent, by count, of such limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading at least U.S. No. 2, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1½ inches in diameter: *Provided*, That such limes which are of a size smaller than 1½ inches in diameter but not of a size smaller than 1½ inches in diameter may be handled if such smaller limes have an average juice content of at least 50 percent, by volume, are in one of the containers specified in paragraph (b) (1) (i) and (ii) of § 911.310 (Lime Regulation 8, as amended; 29 F.R. 8461, 30 F.R. 2521), and contain the applicable quantity of limes prescribed for such containers.

(3) Notwithstanding the provisions of subdivision (iii) of subparagraph (2), not to exceed 10 percent, by count, of the limes in any lot of containers may fall to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 3 pounds may have more than 15 percent, by count, of limes which fall

to meet such applicable size requirement.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing
Service.

[F.R. Doc. 65-7687; Filed, July 19, 1965;
8:50 a.m.]

[Avocado Order 7, Amdt. 2]

PART 915—AVOCADOS GROWN IN
SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of certain varieties of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.307 (30 F.R. 7240; 7893) are hereby further amended by revising in Table I, certain dates and minimum weights and diameters applicable to the Arue, Dr. Dupuis No. 2, Hardee, Pollock, Simmonds, and Nadir varieties of avocados, so that after such revision the portion of such Table I relating to such varieties reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Arrojo	7-5-65	14 oz. 3 1/2 in.	7-26-65				
Dr. Dupuis No. 2	7-19-65	10 oz.	7-26-65				
Hardee	7-12-65	13 oz. 3 1/2 in.	7-19-65	10 oz.	7-26-65		
Pollock	7-19-65	16 oz. 3 1/2 in.	8-2-65				
Simmonds	7-19-65	14 oz. 3 1/2 in.	8-2-65				
Nadler	7-19-65	10 oz.	8-16-65	7 oz.	8-23-65		

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 19, 1965.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 65-7688; Filed, July 19, 1965;
8:50 a.m.]

[Plum Order 14]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.368 Plum Order 14 (Arrojo, Simca Rosa, and New Yorker).

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Com-

mittee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 13, 1965.

(b) Order. (1) During the period beginning at 12:01 a.m., P.s.t., July 18, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Arrojo, Simca Rosa, or New Yorker plums unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (1/4) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made

without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 65-7689; Filed, July 19, 1965;
8:50 a.m.]

[Plum Order 15]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.369 Plum Order 15 (Kelsey).

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting in-

formation for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 13, 1965.

(b) *Order.* (1) The provisions of § 917.335 (Plum Order 1; 30 P.R. 6903) shall not apply to Kelsey plums during the period specified in subparagraph (2) of this paragraph.

(2) During the period beginning at 12:01 a.m., P.s.t., July 18, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Kelsey plums, unless:

(i) Such plums grade at least U.S. No. 1, except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ($\frac{1}{4}$) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) When used herein, "U.S. No. 1," "standard pack," and "serious damage" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(4) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 65-7690; Filed, July 19, 1965;
8:50 a.m.]

[Plum Order 16]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.370 Plum Order 16 (Emily, President, Late Duarte).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared

policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 13, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 18, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Emily, President, or Late Duarte plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ($\frac{1}{4}$) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 65-7691; Filed, July 19, 1965;
8:50 a.m.]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASH- INGTON

Expenses and Rate of Assessment

On July 3, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 8525) regarding proposed ex-

penses and the related rate of assessment for the period beginning April 1, 1965, and ending March 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 922.204 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1965, through March 31, 1966, will amount to \$4,110.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at \$0.80 per ton of apricots.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of the current crop of apricots grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1965, and said rate of assessment will automatically apply to all such apricots beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 14, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-7606; Filed, July 19, 1965; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Interpretation 2 of Revision 5]

PART 121—SMALL BUSINESS SIZE STANDARDS

Interpretation of "Sales of Government-Owned Timber"

Section 121.3-14 of Part 121 is hereby amended by adding Interpretation 2 thereto, which reads as follows:

§ 121.3-14 Interpretations.

(b) Section 121.3-9(b) of Part 121 "Sales of Government-owned Timber". Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of saw logs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address and size status of the concern manufacturing the timber into lumber or timbers.

Effective date: April 29, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-7591; Filed, July 19, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-80-22]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of Restricted Area R-2902 at Banana River, Fla.

The U.S. Air Force has submitted a request to change the using agency of R-2902 to "Commander, Air Force Eastern Test Range, Patrick AFB, Fla."

Since this amendment is editorial in nature, action is taken herein to effect the change and notice and public procedure hereon are unnecessary. Since the using agency has, in fact, already been changed, this amendment may become effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.29 (29 F.R. 17739), Restricted Area R-2902 at Banana River, Fla., is amended by deleting "Using agency, Commander, Air Force Missile Test Center, Patrick AFB, Fla." and substituting therefor "Using agency, Commander, Air Force Eastern Test Range, Patrick AFB, Fla."

(Sec. 307(a) Federal Aviation Act of 1958, 49 U.S.C. 1348)

Issued in Washington, D.C., on July 13, 1965.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-7594; Filed, July 19, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 214—HEARING AID INDUSTRY

Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of July 20, 1965.

Statement by the Commission. Trade practice rules for the Hearing Aid Industry as hereinafter set forth are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the rules for this industry as promulgated by the Commission on August 7, 1953, and supersede the 1953 rules.

The rules are directed to the prevention and elimination of various unfair practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, distribution, or sale of instruments or devices designed for or represented as aiding, improving, or correcting defective hearing, and parts and accessories therefor.

Proceedings to revise the existing trade practice rules for the Hearing Aid Industry as promulgated August 7, 1953, were instituted upon application of the manufacturers and dealers in industry products. Drafts of proposed revised and extended rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notices whereby they were afforded opportunity to present their views, suggestions, objections, or amendments respecting the rules, and to be heard in the premises. Pursuant to public notice, a hearing was held in New York, N.Y., on April 29, 1965, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Following such hearing and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designated to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or con-

controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

- Sec.
214.0 Definitions.
214.1 Misrepresentation in general.
214.2 Guarantees, warranties, etc.
214.3 Bait advertising.
214.4 Misrepresentation of earnings of salesmen or agents.
214.5 Misrepresentation as to character of business, etc.
214.6 Deception as to benefit of services or advice of a physician, etc.
214.7 Deception as to visibility, construction, etc.
214.8 Deception as to availability of suitable batteries.
214.9 Deception respecting novelty of products.
214.10 Misrepresenting a commercial hearing aid establishment.
214.11 Deceptive advertising of hearing aid parts, accessories or components.
214.12 Misrepresenting installment sales contracts.
214.13 Deceptive endorsements, testimonials, etc.
214.14 Deception as to used or rebuilt products.
214.15 Deception respecting tests, acceptance, or approval.
214.16 Defamation of competitors or false disparagement of their products.
214.17 Deceptive use or imitation or simulation of trade or corporate names, trademarks, etc.
214.18 Procurement of competitor's confidential information.
214.19 Unfair threats of infringement suits.
214.20 Inducing breach of contract.
214.21 Commercial bribery.
214.22 Prohibited forms of trade restraints (unlawful price fixing, etc.).
214.23 Arrangements to exclude sale of competitors' products.
214.24 Aiding or abetting use of unfair trade practices.

AUTHORITY: The provisions of this Part 214 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 214.0 Definitions.

(a) "Industry products" consist of all instruments and devices designed for or represented as aiding, improving, or correcting defective hearing, and parts and accessories therefor.

(b) "Industry members" are persons, firms, corporations, and organizations engaged in the manufacture, distribution, or sale of any industry products as defined above.

§ 214.1 Misrepresentation in general.

It is an unfair trade practice for any industry member to use, or cause or promote the use of, any trade promotional literature, advertising matter, testimonial, guarantee, warranty, mark, insignia, depiction, brand, designation, or representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, or of aiding, abetting, or causing sales agents, dealers, distributors, or other marketers to mislead or deceive the purchasing or consuming public:

(a) With respect to the grade, quality, quantity, origin, novelty, price, cost, terms of sale, use, construction, size,

composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, or physiological benefits of any industry product, or the psychological well-being induced by an industry product; or

(b) With respect to any service or adjustment offered, promised, or to be supplied to purchasers of any industry product; or

(c) With respect to the manufacture, distribution, or marketing of any industry product; or

(d) With respect to the scientific or technical knowledge, training, experience, or other qualifications of an industry member, or of any of his employees, relating to the selection, fitting, adjustment, maintenance, or repair of industry products; or

(e) In any other material respect.

NOTE: This section shall be construed as prohibiting the false advertisement of hearing aids or devices as the term "false advertisement" is defined in section 15 of the Federal Trade Commission Act.

[Rule 1]

§ 214.2 Guarantees, warranties, etc.

(a) It is an unfair trade practice to represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor. (The necessary disclosure requires that any guarantee made by the dealer or vendor, which is not backed up by the manufacturer, must make it clear that the guarantee is offered by the dealer or vendor only.)

(b) Representations that a product is "guaranteed for life" or has a "lifetime guarantee," in addition to meeting the above requirements, shall contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(c) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability, or performance capability in actual use than is true in fact.

(d) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Rule 2]

§ 214.3 Bait advertising.

It is an unfair trade practice for an industry member to offer for sale any industry product when the offer is not a bona fide effort to sell the product so

offered as advertised and at the advertised price.

NOTE: In determining whether there has been a violation of this section, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among acts or practices which will be considered in making that determination are the following:

1. The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect;

2. The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;

3. The disparagement, by acts or words, of the product offered, or the disparagement of the guarantee, credit terms, availability of service, repairs or parts, or in any other respect, in connection with it;

4. The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;

5. The refusal, in the event of sale of the product offered, to deliver such product to the buyer within reasonable time thereafter;

6. The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this section.

[Rule 3]

§ 214.4 Misrepresentation of earnings of salesmen or agents.

It is an unfair trade practice for any industry member to make or publish, or cause to be made or published, any advertisement, offer, statement, or other form of representation, which directly or by implication is false, misleading or deceptive:

(a) Concerning the salary, commission, income, earnings, or other remuneration which agents, canvassers, solicitors, or sales representatives receive or may receive; or

(b) Concerning any conditions or contingencies affecting such remuneration or the opportunities therefor. [Rule 4]

§ 214.5 Misrepresentation as to character of business, etc.

It is an unfair trade practice for any industry member falsely to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise:

(a) That he is a manufacturer of hearing aids or devices, or of batteries, parts, or accessories therefor; or

(b) That he is the owner or operator of a factory or producing company manufacturing such products; or

(c) That he owns or maintains a laboratory devoted to hearing aid research, testing, experimentation, or development; or

to misrepresent in any other material respect the character, extent, or type of his business. [Rule 5]

§ 214.6 Deception as to benefit of services or advice of a physician, etc.

(a) In connection with the sale or offering for sale of industry products,

it is an unfair trade practice for any industry member to represent, directly or by implication, that the services or advice of a physician have been used in the designing or manufacturing of industry products, or will be used or made available in the selecting, fitting, adjusting, or testing of industry products relative to the individual needs of consumer-purchasers, when such is not the fact.

(b) The prohibitions of this section are applicable to the use of the terms "doctor," "physician," "otologist," or "otolaryngologist"; to any abbreviations, variations, or derivatives of such terms; and to the use of any symbol, depiction, or representation having a medical connotation.

(c) It is also an unfair trade practice to use, in advertising or otherwise, the words "prescribe" or "prescription," or any abbreviation, variation or derivative thereof or symbol therefor, in referring to or describing any industry product, unless such product was made pursuant to a prescription given by a physician: *Provided, however,* That the word "prescription" or words of similar meaning may be used to refer to or describe an industry product which was specially made to compensate for the hearing loss of a particular purchaser in accordance with directions furnished by a qualified person other than a physician, when such words are accompanied by a clear and conspicuous disclosure that the "prescription" was not based on a medical examination and that the person issuing it was not a physician. [Rule 6]

§ 214.7 Deception as to visibility, construction, etc.

It is an unfair trade practice for any industry member:

(a) To represent, directly or by implication, through the use of such words or expressions as "invisible," "hidden," "hidden hearing," "completely out of sight," "conceal your deafness," "hear in secret," "unnoticed even by your closest friends," "no one will know you are hard of hearing," "your hearing loss is your secret," "no one need know you are wearing a hearing aid," "hidden or out of sight when inserted in the ear canal," or by any other words or expressions of similar import, that any hearing aid, device, or part is hidden or cannot be seen unless such is the fact.

(b) To use in advertising the words or expressions, "no cord," "cordless," "100 percent cordless," "no unsightly cord dangling from your ear," "no wires," "no tell-tale wires," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that a plastic tube (or similar device) runs from the instrument to the ear if such is the fact.

(c) To use in advertising the words or expressions, "no button," "no ear button," "no buttons or receivers in either ear," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure

is made that an ear mold or plastic tip is inserted in the ear if such is the fact.

(d) To represent, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features such as the absence of anything in the ear, or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone-conduction principle and that in many cases of hearing loss this type of instrument may not be suitable. [Rule 7]

§ 214.8 Deception as to availability of suitable batteries.

It is an unfair trade practice for any industry member to represent, directly or by implication, that batteries sold only by such industry member or other specified person or concern, or bearing a specified brand, label, or other identifying mark, are the only ones suitable for use in a particular type or make of hearing aid or device when such is not the fact. [Rule 8]

§ 214.9 Deception respecting novelty of products.

(a) It is an unfair trade practice to use any advertisement or other representation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle, when such is not the fact.

(b) Representations of the following or similar types, when not fully justified by the facts, are among those prohibited by this section: "Amazing new discovery," "revolutionary new invention," "radically new and different," "sensational new laboratory development," "remarkable new electronic device," "brand-new invention," "marvelous new hearing invention," "new scientific aid," and "miracle." [Rule 9]

§ 214.10 Misrepresenting a commercial hearing aid establishment.

(a) It is an unfair trade practice for an industry member to represent, directly or by implication, that a commercial hearing aid establishment is a governmental or public one, or is a nonprofit medical, educational, or research institution, through the use of terms having a medical, professional, or scientific connotation, such as, "Hearing Center," "Hearing Institute," "Hearing Bureau," "Hearing Clinic," "State's Hearing Clinic," "State's Speech and Hearing Center," or similar representations.

(b) Nothing in this section is understood to preclude an industry member from representing if such be the fact, that he owns, operates, or controls a "Hearing Aid Center," or from using other words or expressions which clearly and nondeceptively identify the member's establishment as a commercial hearing aid enterprise. [Rule 10]

§ 214.11 Deceptive advertising of hearing aid parts, accessories or components.

It is an unfair trade practice for an industry member to use or cause to be

used, any type of advertising or promotional literature depicting or describing only a single part, accessory, or component of any hearing aid or device, such as a battery on the finger, a transistor held in the hand, etc., in such manner as to have the capacity and tendency to mislead or deceive purchasers or prospective purchasers into the erroneous belief that the said part, accessory, or component is all that needs to be worn or carried. [Rule 11]

§ 214.12 Misrepresenting installment sales contracts.

It is an unfair trade practice for an industry member falsely to represent an installment sales contract respecting hearing aids, devices, parts or accessories as a lease or rental plan. [Rule 12]

§ 214.13 Deceptive endorsements, testimonials, etc.

It is an unfair trade practice for an industry member to advertise or otherwise represent:

(a) That a particular individual, organization, or institution endorses, uses, or recommends such member's hearing aids, devices, or other industry products when such is not the fact; or

(b) That a particular individual wears such member's hearing aids or devices when such is not the fact. [Rule 13]

§ 214.14 Deception as to used or rebuilt products.

(a) It is an unfair trade practice for any industry member to represent, directly or indirectly, that any industry product or part thereof is new, unused, or rebuilt, when such is not the fact.

(b) In the marketing of an industry product which has been used, or which contains used parts, it is an unfair trade practice to fail to make full and nondeceptive disclosure of such fact in all advertising and promotional literature relating to the product, on the container, box, or package in which such product is packed or enclosed and, if the product has the appearance of being new, on the product itself. The required disclosure may be made by use of such words as "Used," "Secondhand," "Repaired," or "Rebuilt," whichever is applicable to the product involved.

(c) It is an unfair trade practice to misrepresent the identity of the rebuilder of an industry product. If the rebuilding of an industry product was done by other than the original manufacturer, it is also an unfair trade practice to fail to disclose such fact wherever the original manufacturer is identified. [Rule 14]

§ 214.15 Deception respecting tests, acceptance, or approval.

In the sale, distribution, or promotion of hearing aids or devices, it is an unfair trade practice for any industry member:

(a) To represent or to use any seals, emblems, shields, or other insignia which represent, directly or by implication, in any manner that a hearing aid or device has been tested, accepted, or approved by any individual, concern, organization, group, or association, unless such is the fact and unless the hearing aid or device has been tested by such individual, con-

cern, organization, group, or association in such manner as reasonably to insure the quality and performance of the instrument in relation to its intended usage and the fulfillment of any material claims made, implied, or intended to be supported by such representation or insignia; or

(b) To represent that a hearing aid or device tested, accepted, or approved by any individual, concern, organization, group, or association has been subjected to tests based on more severe standards of performance, workmanship, and quality than is in fact true; or

(c) To make any other false, misleading or deceptive representation respecting the testing, acceptance, or approval of a hearing aid or device by any individual, concern, organization, group, or association.

NOTE: Under this section, it is not necessary for each individual hearing aid or device to be tested where the method employed is a sample testing and full and nondeceptive disclosure of this fact is given in all advertising and otherwise.

[Rule 15]

§ 214.16 Defamation of competitors or false disparagement of their products.

(a) It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their business methods, selling prices, values, credit terms, policies, or services.

NOTE: The use of "bait" or "blind" advertisements as a means of accomplishing such defamation or false disparagement is deemed to be within the prohibitions of this section.

(b) Under this section, it is an unfair trade practice for an industry member:

(1) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them; or

(2) To represent falsely that competitors are unreliable but that the disparager is not; or

(3) To quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to show, demonstrate, or represent competitive models as being the current models when such is not the fact. [Rule 16]

§ 214.17 Deceptive use or imitation or simulation of trade or corporate names, trademarks, etc.

It is an unfair trade practice for any industry member:

(a) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To use in his advertising the name, model name, or trademark of a particular manufacturer of hearing aids in such manner as to imply a relationship with the manufacturer that does not exist or otherwise to mislead or deceive purchasers or prospective purchasers; or

(c) To use any trade name, corporate name, trademark, or other trade designa-

tion, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 17]

§ 214.18 Procurement of competitor's confidential information.

It is an unfair trade practice for any industry member to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 18]

§ 214.19 Unfair threats of infringement suits.

The circulation of threats of suit for infringement of patents or trademarks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 19]

§ 214.20 Inducing breach of contract.

(a) It is an unfair trade practice for any industry member knowingly to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or to interfere with or obstruct the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from, or sell to, the customers of either of them, or the customers of any other industry member. [Rule 20]

§ 214.21 Commercial bribery.

It is an unfair trade practice for an industry member, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products sold or offered for sale by such industry member, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 21]

§ 214.22 Prohibited forms of trade restraints (unlawful price fixing, etc.).¹

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a part to any such understanding, agreement, combination, or conspiracy. [Rule 22]

§ 214.23 Arrangements to exclude sale of competitors' products.

It is an unfair trade practice for any member of the industry to sell or contract for the sale of any industry products, whether patented or unpatented, for use or resale, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in new, used, or rebuilt products of a competitor or competitors of such industry member where the effect of such sale or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 23]

§ 214.24 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice prohibited by this part. [Rule 24]

Promulgated by the Federal Trade Commission July 20, 1965.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-7563; Filed July 19, 1965; 8:45 a.m.]

¹ The prohibitions of this section are subject to Public Law 542, approved July 14, 1952, 68 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to interstate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4790]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Employee Stock Purchase Plans

Questions frequently arise with respect to the necessity for the registration under the Securities Act of 1933 of securities of the employer company or an affiliate¹ purchased through an employee stock purchase plan which is in substance the equivalent of a customer's account with a broker for the purchase of shares on the open market. A similar problem may exist with respect to plans for the purchase of securities by persons who are not technically employees of the issuer or an affiliate. Of course, where the employer or an affiliate directly or indirectly supplies the securities for purchase by employees under the plan, the registration provisions of section 5 of the Act would clearly be applicable absent an appropriate exemption.

The question presented is: whether there is an "attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value," as referred to in the definition of "offer for sale" in section 2(3) of the Securities Act of 1933, by the issuer of such security or underwriter for such issuer or an affiliate. In accordance with long-established interpretation by the Commission, a solicitation of an offer to buy a security by or on behalf of an issuer or an affiliate of the issuer of that security is deemed to be subject to the registration provisions of the Act notwithstanding that the securities are not owned by the issuer or an affiliate but are purchased on the exchange or the over-the-counter market by the designated agent for the account of participating employees.

Solicitation of an offer to buy. Some participation by the employer company or an affiliate will exist in almost every such plan, but the nature and extent of such participation varies substantially in different plans. In some cases, there is sufficient participation by the employer company or an affiliate to constitute a solicitation of an offer to buy, so that registration is required under the Act. A determination whether registration is required, therefore, will turn upon the degree and type of participation by such persons in the particular program.

¹ The term "affiliate" is used herein as defined in Rule 405 (17 CFR 230.405), as follows: "An 'affiliate' of, or a person 'affiliated' with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by or is under common control with, the person specified."

Participation by the employer or an affiliate will be considered to be sufficiently limited, and will not require registration, where all communications of a soliciting character are furnished by and in the name of a broker or other agent of the employees, and if the employer company or an affiliate performs no more than the following functions:

1. The employer company or an affiliate announces the existence of the plan.
2. The employer company makes payroll deductions at the request of employees for the purpose of participating in the plan.
3. The names and addresses of employees are made available to the broker or other agent for direct communications by it to such employees regarding the plan. This may take the form of addressing the communication to be sent by the broker or other agent, the inclusion of the broker's communication with the announcement by the employer company, or the holding of an initial meeting of employees at the company's premises.
4. The employer company or an affiliate pays no more than its expense of payroll deductions and the reasonable fees and charges of the broker or other agent for brokerage commissions and bookkeeping and custodial expenses.

Any deviation from these standards may require registration.

The Commission will from time to time reassess the above standards to determine whether under these conditions employees are in fact being solicited by employer companies or affiliates to purchase any of their securities.

The plan participations as a separate security. The above discussion presupposes that the plan involves minimal differences from the manner in which securities are acquired in ordinary brokerage transactions and that the rights and obligations of the employee and the broker will be consistent with the ordinary broker-client relationship, which might include the leaving of the securities in the custody of the broker or other person performing the same custodial function. Where substantial variations exist, however, such as limitations on the right of the employee to withdraw from the plan or to withdraw securities held in custody, the granting of management discretion to someone other than the employee, the accumulation of sums for material periods of time before investment, the payment of special fees or charges such as a front-end load, or the diminution of his rights or privileges as a shareholder, a separate security may be created which will be required to be registered under the Securities Act of 1933 and the issuer of which may be an investment company required to register under the Investment Company Act of 1940.²

Furthermore, such plans commonly involve such participation by the employer or an affiliate as to amount to a solicita-

² Provision in the plan for reinvestment of dividends on a voluntary basis, such as is commonly provided in the Monthly Investment Plans of the New York Stock Exchange, will not of itself create a separate security.

tion of an offer to buy the securities of the employer company or an affiliate within the meaning of the Securities Act of 1933 and thus require registration of such securities as well.

Finally, reference is made to the provisions for civil liability and criminal sanction for fraud in the sale of securities in sections 12(2) and 17 of the Securities Act of 1933 and section 10(b), and Rule 10b-5 thereunder (17 CFR 240.10b-5), of the Securities Exchange Act of 1934, which are applicable to transactions in securities notwithstanding the availability of exemption from registration. Consequently, it is anticipated that employee stock purchase plans not subject to registration will be limited to the securities of companies about which information is generally available.

Orval L. DuBols,
Secretary.

[SEAL] By: NELLIE A. THORSEN,
Assistant Secretary.

JULY 13, 1965.

[P.R. Doc. 65-7596; Filed, July 19, 1965;
8:40 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 202—OVERSEAS SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT RELIEF AGENCIES

Shipments Eligible for Reimbursement of Freight Charges

A.I.D. Regulation 2 is amended as follows:

Section 202.2 is hereby amended to read as follows:

§ 202.2 Shipments eligible for reimbursement of freight charges.

(a) In order to further the efficient use of United States voluntary contributions for relief in nations or areas designated by the Administrator of A.I.D. from time to time, agencies may be reimbursed by A.I.D. within specified limitations for freight charges incurred and paid in transporting supplies donated to or purchased by such agencies from United States ports or, in the case of excess or surplus property supplied by the United States, from foreign ports to initial foreign ports of entry, or in the case of landlocked countries to points of entry designated by the Committee.

(b) Shipments shall be eligible for reimbursement of freight charges only where authorized by the issuance by A.I.D. of a Procurement Authorization (Form AID 11-2).

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 9, 1965.

WILLIAM S. GAUD,
Deputy Administrator.

[P.R. Doc. 65-7603; Filed, July 19, 1965;
8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6838]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Investment Credit Provisions and Amendment of Depreciation Provisions

On November 6, 1964, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 48 and 167(f) of the Internal Revenue Code of 1954 to reflect the changes made by section 2 of the Revenue Act of 1962 (76 Stat. 962) and to certain provisions of section 203 of the Revenue Act of 1964 (78 Stat. 33) was published in the FEDERAL REGISTER (29 F.R. 15028). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraph (d) of § 1.48-7, as set forth in paragraph 3 of the notice of proposed rule making, is changed by revising subparagraph (1) and by adding example (5) to subparagraph (3).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: July 12, 1965.

STANLEY S. SURREY,
Assistant Secretary of the
Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 48 and 167(f) of the Internal Revenue Code of 1954 to certain provisions of section 2 of the Revenue Act of 1962 (76 Stat. 962) and to certain provisions of section 203 of the Revenue Act of 1964 (78 Stat. 33), such regulations are amended as follows:

PARAGRAPH 1. Section 1.48-1 is amended by revising subparagraph (2) of paragraph (e) and by adding a new paragraph (m) at the end thereof. These revised and added provisions read as follows:

§ 1.48-1 Definition of section 38 property.

(e) Definition of building and structural components. . . .

(2) The term "structural components" includes such parts of a building as walls, partitions, floors, and ceilings, as well as any permanent coverings therefor such as paneling or tiling; windows and doors; all components (whether in, on, or adjacent to the building) of a central air conditioning or heating system, including motors, compressors, pipes and ducts; plumbing and plumbing fixtures, such as sinks and bathtubs; electric wiring and lighting fixtures; chimneys; stairs, escalators, and elevators, including all components thereof; sprinkler systems;

fire escapes; and other components relating to the operation or maintenance of a building. However, the term "structural components" does not include machinery the sole justification for the installation of which is the fact that such machinery is required to meet temperature or humidity requirements which are essential for the operation of other machinery or the processing of materials or foodstuffs. Machinery may meet the "sole justification" test provided by the preceding sentence even though it incidentally provides for the comfort of employees, or serves, to an insubstantial degree, areas where such temperature or humidity requirements are not essential. For example, an air conditioning and humidification system installed in a textile plant in order to maintain the temperature or humidity within a narrow optimum range which is critical in processing particular types of yarn or cloth is not included within the term "structural components". For special rules with respect to an elevator or escalator, the construction, reconstruction, or erection of which is completed by the taxpayer after June 30, 1963, or which is acquired after June 30, 1963, and the original use of which commences with the taxpayer and commences after such date, see section 48 (a) (1) (C) and paragraph (m) of this section.

(m) Elevators and escalators—(1) In general. Under section 48(a) (1) (C), an elevator or escalator qualifies as section 38 property if—

(i) The construction, reconstruction, or erection of the elevator or escalator is completed by the taxpayer after June 30, 1963, or

(ii) The elevator or escalator is acquired after June 30, 1963, and the original use of such elevator or escalator commences with the taxpayer and commences after such date.

In the case of construction, reconstruction, or erection of an elevator or escalator commenced before January 1, 1962, and completed after June 30, 1963, there shall be taken into account in determining the qualified investment under section 46(c) only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1961. Further, if the construction, reconstruction, or erection of such property is commenced after December 31, 1961, and is completed after June 30, 1963, the entire basis of the elevator or escalator shall be taken into account in determining qualified investment under section 46(c). Also, if an elevator or escalator is reconstructed by the taxpayer after June 30, 1963, the basis attributable to such reconstruction may be taken into account in determining the qualified investment under section 46(c), irrespective of the fact that the original construction or erection of such elevator or escalator may have occurred before January 1, 1962. Paragraph (b) of § 1.48-2 shall be applied in determining the date of acquisition, original use, and basis attributable to construction, reconstruction, or erection.

(2) Definition of elevators and escalators. For purposes of this section the

term "elevator" means a cage or platform and its hoisting machinery for conveying persons or freight to or from different levels and functionally related equipment which is essential to its operation. The term includes, for example, guide rails and cables, motors and controllers, control panels and landing buttons, and elevator gates and doors, which are essential to the operation of the elevator. The term "elevator" does not, however, include a structure which is considered a building for purposes of the investment credit. The term "escalator" means a moving staircase and functionally related equipment which is essential to its operation. For purposes of determining qualified investment under section 46(c) and § 1.46-3, the basis of an elevator or escalator does not include the cost of any structural alterations to the building, such as the cost of constructing a shaft or of making alterations to the floor, walls, or ceiling, even though such alterations may be necessary in order to install or modernize the elevator or escalator.

(3) Examples. The provisions of this paragraph may be illustrated by the following examples:

Example (1). If an elevator with a total basis of \$100,000 is completed after June 30, 1963, and the portion attributable to construction by the taxpayer after December 31, 1961, is determined by engineering estimates or by cost accounting records to be \$30,000, only the \$30,000 portion may be taken into account as an investment in new section 38 property in computing qualified investment.

Example (2). If construction of an elevator with a total basis of \$90,000 is commenced by the taxpayer after December 31, 1961, and is completed after June 30, 1963, the entire basis of \$90,000 may be taken into account as an investment in new section 38 property.

Example (3). The facts are the same as in example (2) except that construction of the elevator was completed before June 30, 1963. The elevator is not considered to be section 38 property.

Example (4). In 1964, a taxpayer reconstructs an elevator, which had been constructed and placed in service in 1962 and which had an adjusted basis in 1964 of \$75,000. The cost of reconstruction amounts to an additional \$50,000. The basis of the elevator which may be taken into account in computing qualified investment in section 38 property is \$50,000, irrespective of whether the taxpayer contracts to have it reconstructed or reconsiders it himself, and irrespective of whether the materials used in the process are new in use.

PAR. 2. Section 1.48-4 is amended by revising subparagraphs (1) and (3) of paragraph (k), by adding new examples (3) and (4) to paragraph (l), and by adding a new paragraph (m). These revised and added provisions read as follows:

§ 1.48-4 Election of lessor of new section 38 property to treat lessee as purchaser.

(k) Adjustment of rental deductions—(1) In general. The rules of this paragraph apply only to section 38 property placed in service before January 1, 1964, and with respect to any such property only for taxable years of a lessee beginning before January 1, 1964. If a lessor makes a valid election under this section with respect to property placed in

service by the lessee before January 1, 1964, section 48(g) and § 1.48-7 (relating to adjustments to basis of property) shall not apply to the lessor with respect to such property. Thus, the lessor is not required to reduce under section 48(g) (1) the basis of such property. However, if such an election is made, the deductions otherwise allowable under section 162 to the lessee for amounts paid or accrued to the lessor under the lease shall be adjusted in the manner provided in this paragraph. For special adjustment for taxable years beginning after December 31, 1963, see paragraph (m) of this section.

(3) *Increase in rental deductions on account of early disposition, etc.* (i) If, as a result of an early disposition, etc., in a taxable year beginning before January 1, 1964, with respect to leased property placed in service before such date, the lessee's tax is increased under section 47(a) (1) or (2), or an adjustment in a carryback or carryover is made under section 47(a) (3) by reduction of an unused credit, the rental deductions (if any) otherwise allowable under section 162 to such lessee for amounts paid or accrued to the lessor under the lease with respect to such property shall be increased in an amount equal to the total decreases previously made in the lessee's rental deductions under subparagraph (2) of this paragraph.

(ii) Except as provided in subdivision (iii) of this subparagraph, the increase in rental deductions described in subdivision (i) of this subparagraph shall be taken into account as an increase in rental deductions otherwise allowable under section 162 for the taxable year in which the early disposition, etc., occurred.

(iii) If, after the event which caused section 47(a) (1), (2), or (3) to apply, the lessee continues the use of the property in a trade or business or in the production of income, the increase in rental deductions described in subdivision (i) of this subparagraph shall be taken into account ratably over the remaining portion of the useful life of the property which was used in making the decreases in rental deductions with respect to the property under subparagraph (2) of this paragraph.

(iv) If subdivision (iii) of this subparagraph applies, and if, prior to the expiration of the useful life of the property used in making the decreases in rental deductions, the lease is terminated other than by actual purchase of the property by the lessee, any increase in rental deductions not previously taken into account shall be taken into account as an increase in rental deductions for the taxable year in which the lease is terminated. In the case of an actual purchase of the property by the lessee, see paragraph (e) of § 1.48-7.

(i) *Examples.* * * *

Example (3). Assume the same facts as in example (1) except that the lessee disposes of his interest in the lease on January 1, 1963, and that there is an increase in Y's tax for 1963 under section 47(a) (1) in the amount of \$1,764. Under paragraph (k) (2) of this section, Y's deductions attributable to the leased property are decreased only in

1962, and the amount of such decrease is \$134.75. In 1963 there shall be an increase of \$134.75 in the deductions otherwise allowable under section 162 for such taxable year with respect to the leased property.

Example (4). Assume the same facts as in example (1) except that during the year 1963 the property was used by Y predominantly outside the United States within the meaning of paragraph (g) of § 1.48-1, and thereafter was used in Y's trade or business. Under paragraph (k) (3) of this section, the increase of \$134.75 described in example (3) is taken into account ratably as an increase in rental deductions otherwise allowable under section 162 in the amount of \$12.25 (\$134.75 divided by 11 years) for 1963 and each of the 10 succeeding years.

(m) *Increase in rental deductions on account of section 203(a) (2) (B) of the Revenue Act of 1964—(1) In general.*

(i) Under section 203(a) (2) (B) of the Revenue Act of 1964, if, for any taxable year of a lessee beginning before January 1, 1964, the rental deductions otherwise allowable under section 162 to such lessee for amounts paid or accrued to the lessor under the lease with respect to leased property placed in service before January 1, 1964, were decreased under paragraph (k) (2) of this section, such rental deductions shall be increased.

(ii) The increase in rental deductions described in subdivision (i) of this subparagraph shall be in an amount equal to the total decreases in the lessee's rental deductions previously made under paragraph (k) (2) of this section less any increases in rental deductions made under paragraph (k) (3) of this section.

(iii) Except as provided in subdivision (iv) of this subparagraph, the increase in rental deductions described in subdivision (i) of this subparagraph shall be taken into account ratably over the remaining portion of the useful life of the property commencing with the first day of the first taxable year beginning after December 31, 1963. For this purpose, the useful life of the property shall be the useful life used in making the decreases in rental deductions with respect to the property under paragraph (k) (2) of this section.

(iv) If the lease is terminated other than by the lessee's actual purchase of the property during a taxable year beginning after December 31, 1963, and before the end of the remaining useful life of the property used in making the decreases in rental deductions, the amount of the increase in rental deductions described in subdivision (i) of this subparagraph and not previously taken into account shall be allowed as a deduction for the taxable year in which such termination occurs.

(v) The rental deductions with respect to any section 38 property are not to be increased under this paragraph if the lessee dies in a taxable year beginning before January 1, 1964.

(vi) The increase in rental deductions described in subdivision (i) of this subparagraph shall ordinarily be taken into account by the lessee treated as the purchaser, that is, the lessee entitled to the credit. However, if the property under the lease is transferred by the lessee to a successor lessee in a transaction described in section 47(b) (other than a transfer by reason of death) under

which the successor lessee assumes the lessee's obligations under the lease, such increase in rental deductions shall be taken into account by the successor lessee in the manner prescribed in this paragraph.

(2) *Examples.* The operation of this paragraph may be illustrated by the following examples:

Example (1). (a) X Corporation acquired on January 1, 1962, an item of new section 38 property with a basis of \$24,000 and with a useful life to the lessor of 10 years. Y Corporation, which makes its returns on the basis of a calendar year, leased such property from X Corporation and placed it in service on January 2, 1962. Under this section, X Corporation made a valid election to treat Y Corporation as having purchased such property for purposes of the credit allowed by section 38 and supplied the lessee with information that the property had a useful life of 10 years. The amount of the credit earned with respect to such property was \$1,680 (7 percent of \$24,000). For each of the taxable years 1962 and 1963, Y Corporation decreased, under paragraph (k) (2) of this section, its deductions otherwise allowable under section 162 with respect to such property by \$168 (\$1,680 multiplied by 12/120).

(b) For each of the taxable years 1964 through 1971, Y Corporation increases its deductions otherwise allowable under section 162 for amounts paid to X Corporation under the lease by \$42 (\$336 (that is, \$168 multiplied by 2) divided by the remaining useful life of 8 years).

Example (2). (a) The facts are the same as in example (1) except that the lease is terminated on January 3, 1965.

(b) For the taxable year 1964, Y Corporation increases its deductions otherwise allowable under section 162 by \$42.

(c) For the taxable year 1965, Y Corporation increases its deductions otherwise allowable under section 162 for the portion of the increase which had not been taken into account as of the time of the termination of the lease. Thus, the amount of such increase for the taxable year 1965 is \$294 (\$336 minus \$42).

PAR. 3. Section 1.48-7 is amended by revising subparagraph (1) of paragraph (a) and by adding new paragraphs (c), (d), and (e). These revised and added provisions read as follows:

§ 1.48-7 Adjustment to basis.

(a) *Reduction of basis; general—(1) In general.* Under section 48(g) (1), the basis of "section 38 property" placed in service before January 1, 1964, shall be reduced by an amount equal to 7 percent of the "qualified investment" with respect to such property. The reduction in basis shall be made as of the time such property is placed in service by the taxpayer. The basis of such property must be reduced by 7 percent of the qualified investment even though the limitation based on amount of tax under section 46(a) (2) reduces the amount of the credit allowed by section 38 for the taxable year in which the property is placed in service. The reduction in basis of section 38 property placed in service before January 1, 1964, shall be taken into account for all purposes of subtitle A of the Code, except in computing (or recomputing in the case of early disposition, etc.) the qualified investment with respect to such property. Thus, such reduction in basis is taken into account in determining a reasonable allowance for depreciation under section 167, except

that the additional amount allowed under section 179 (relating to additional first-year depreciation allowance for small business) with respect to the cost of certain property is determined without regard to such reduction in basis. Section 48(g)(1) and this section do not apply to section 38 property placed in service after December 31, 1963. For increase in basis of property to which this section applies, see paragraphs (c), (d), and (e) of this section.

(c) *Increase in basis on account of early disposition, etc.*—(1) *In general.* If, as a result of an early disposition, etc., in a taxable year beginning before January 1, 1964, with respect to section 38 property placed in service before such date, the tax imposed under chapter 1 of the Code is increased under section 47(a)(1) or (2), or an adjustment in an unused credit carryback or carryover is made under section 47(a)(3), then the basis of such property shall be increased. Such increase shall be in an amount equal to the sum of the portion of such increase in tax and the portion of such adjustment in carrybacks or carryovers attributable to such property but not in excess of the reduction in basis made under paragraph (a) of this section or, in the case of leased property purchased by a lessee treated as the purchaser, the reduction in basis under paragraph (b) of this section plus the decrease in rental deductions made under paragraph (k)(2) of § 1.48-4. See paragraph (a)(2) of this section for rules indicating when basis is not reduced under paragraph (a) of this section. The increase in basis of such property shall be made immediately before the event which causes section 47(a)(1), (2), or (3) to apply, and this increase in basis shall be taken into account for all purposes of subtitle A of the Code. If, after the event described in the preceding sentence, the taxpayer continues the use of the property in a trade or business or in the production of income, the principles described in paragraph (d)(1) of this section shall be applied in computing the allowances for depreciation over the remaining useful life of the property.

(2) *Examples.* The operation of this paragraph may be illustrated by the following examples:

Example (1). (a) The facts are the same as those in example (1) of paragraph (a)(3) of this section except that on June 15, 1963, corporation X sold the property causing section 47(a)(1) to apply.

(b) Section 48(g)(2) requires that the basis of said property be increased immediately before the sale by the amount of \$700, which amount is equal to the increase in tax for the taxable year 1963 arising under section 47(a)(1) (\$700 credit allowed less credit allowable of 0).

Example (2). (a) The facts are the same as in example (1) of this subparagraph except that for the taxable year 1962 X Corporation's liability for tax was only \$500, and a \$200 unused credit carryover to 1963 resulted.

(b) The result is the same as in example (1) of this subparagraph, that is, the basis of the property is increased under section 48(g)(2) by the amount of \$700 (\$500 credit allowed plus \$200 adjustment in carryover to 1963 less credit allowable of 0).

Example (3). (a) The facts are the same as those in example (1) of paragraph (a)(3) of this section except that the property was physically located outside of the United States during more than 50 percent of the taxable year 1963 within the meaning of paragraph (g) of § 1.48-1, and section 47(a)(1) therefore became applicable.

(b) The basis of the property is increased by \$700 as of the first day of the taxable year 1963.

Example (4). (a) The facts are the same as example (5) of paragraph (a)(3) of this section. Assume also that on January 1, 1963, there is an early disposition, etc., of the three assets as described under section 47(a)(1).

(b) Section 48(g)(2) requires that the basis of asset No. 1 be increased immediately before such early disposition, etc., by the amount of \$1,750 (\$1,750 credit allowed less credit allowable of 0). Likewise, the basis of asset No. 2 is increased by the amount of \$1,750. There is no increase in the basis of asset No. 3 since the basis of such asset was not reduced.

(d) *Increase in basis of property placed in service before January 1, 1964.*—(1) *In general.* Under section 203(a)(2)

(A) of the Revenue Act of 1964, the basis of section 38 property placed in service before January 1, 1964, shall be increased by an amount equal to 7 percent of the qualified investment with respect to such property (determined as of the date the property was placed in service) but not in excess of the net reduction in basis under section 48(g). For this purpose, the net reduction in basis under section 48(g) is the reduction in basis under section 48(g)(1) and paragraph (a) of this section less any increase in basis under section 48(g)(2) and paragraph (c) of this section. The increase in basis described in this paragraph shall be made as of the first day of the taxpayer's first taxable year beginning after December 31, 1963. For taxable years beginning after December 31, 1963, this increase in basis shall be taken into account for all purposes of subtitle A of the Code. Thus, for example, during that part of the remaining useful life of the property falling within the taxable years beginning after December 31, 1963, such increase in basis shall be taken into account in determining reasonable allowances for depreciation under section 167. In determining depreciation allowances with respect to the property for periods after such increase in basis, appropriate adjustments shall be made (except as otherwise provided in this paragraph), whenever necessary, to the rate or other factors previously applied for taxable years beginning before January 1, 1964, so that the total depreciation allowances made during the remaining useful life of the property, plus the allowances for the expired useful life, will equal or approximate the allowances which would have resulted if section 48(g)(1) had not applied. In the case of section 38 property contained in a multiple asset account, the taxpayer may reflect the increase in basis by adjusting the basis of the account and by adjusting the rate of depreciation applied to the entire account. In lieu of that, he may continue to apply to the entire account (reflecting the basis increase) the rate previously employed. As a third alternative,

solely for the purposes of determining the depreciation adjustment occasioned by the increase in basis (and not for the purposes of determining method of depreciation, effect of retirements, application of sections 1245 and 1250, or other purposes), he may continue to utilize the previous rate for the main account (not reflecting the increase in basis) and treat the increase in basis as a separate account to be depreciated over the remaining useful life of the assets to which the increase in basis relates. Except as provided in section 167 and the regulations thereunder, no change may be made in the method of depreciation to be applied during the remaining life of the property. For purposes of section 167(d), any increase in basis under this paragraph shall constitute a fact not taken into consideration in the adoption of any agreement under that section fixing the rate of depreciation. In no event shall an adjustment be made which would result in recovery of the increase in basis through depreciation allowances prior to expiration of the remaining useful life.

(2) *Special rules.* (i) The increase in basis provided by subparagraph (1) of this paragraph shall be taken into account ordinarily by the person in whose hands the basis of the property was reduced under section 48(g)(1). However, if the property is transferred in a transaction described in section 47(b) (other than a transfer by reason of death) prior to the first day of the first taxable year of the transferor beginning after December 31, 1963, then, to the extent that the basis of such property reflects the net reduction in basis described in subparagraph (1) of this paragraph in the hands of the transferor, the increase in basis provided for in this paragraph shall be taken into account by the transferee.

(ii) The basis of any section 38 property is not to be increased under subparagraph (1) of this paragraph if the taxpayer dies in a taxable year beginning before January 1, 1964.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). (a) A, an individual who makes his return on the basis of the calendar year, acquired and placed in service on January 1, 1962, asset No. 1 and asset No. 2, both of which assets qualified as new section 38 property. Each asset had a basis of \$10,000, a salvage value of \$1,000, and an estimated useful life of 10 years. Depreciation for each asset was computed under the straight line method. For the taxable year 1962, A was allowed under section 38 a credit of \$1,400 (7 percent of \$20,000). On January 2, 1963, A took asset No. 1 out of his business and on said date commenced to use such property entirely for personal purposes. Thus, for purposes of section 48(g)(2), there was an early disposition, etc., as described under section 47(a)(1).

(b) Under section 48(g)(1), the basis of each asset in 1962 was reduced to \$9,300. Thus, depreciation with respect to each asset for the taxable year 1962 was \$830 (adjusted basis of \$9,300 minus salvage value of \$1,000 divided by estimated useful life of 10 years).

(c) Immediately before the early disposition, etc., with respect to asset No. 1, the basis of such asset was increased by \$700 to \$9,170 (cost of \$10,000 minus reduction in

1962 under section 48(g)(1) of \$700, minus depreciation of \$830, and plus the addition to basis in 1963 under section 48(g)(2) of \$700. As of December 31, 1963, the adjusted basis of asset No. 2 was \$7,640 (original cost of \$10,000 minus reduction in 1962 under section 48(g)(1) of \$700, minus depreciation of \$830 in 1962, and minus depreciation of \$830 in 1963).

(d) The basis of asset No. 1 is not increased under this section since the basis of such asset had previously been increased under section 48(g)(2) in the amount of \$700, the full amount of the reduction previously made under section 48(g)(1). The basis of asset No. 2 is increased under this paragraph as of January 1, 1964, by \$700 to \$8,340 (\$7,640 plus 7 percent of \$10,000). The rate of depreciation to be applied to the adjusted basis of asset No. 2 for the remaining useful life of 8 years is adjusted in order to produce a total depreciation allowance of \$9,000 at the end of the asset's useful life. Depreciation with respect to such asset for the taxable year 1964 and for each of the succeeding 7 years is \$917.50 (adjusted basis of \$8,340 minus salvage value of \$1,000 divided by estimated remaining useful life of 8 years).

Example (2). (a) X Corporation, which makes its return on the basis of the calendar year, acquired and placed in service on January 1, 1962, an asset which qualified as new section 38 property. The asset had a basis of \$165,000, a salvage value of \$15,000, and an estimated useful life of 5 years. Depreciation was computed under the declining balance method at a rate of 200 percent of the straight line rate. The qualified investment with respect to such asset was \$55,000 (33 1/3 percent of \$165,000). For the taxable year 1962, X Corporation was allowed under section 38 a credit of \$3,850 (7 percent of \$55,000).

(b) Under section 48(g)(1), the basis of such property in 1962 was reduced to \$161,150 (\$165,000 minus \$3,850). Thus, depreciation with respect to such asset for the taxable year 1962 was \$64,460 (adjusted basis of \$161,150 multiplied by 40 percent). Depreciation for the taxable year 1963 was \$38,676 (\$161,150 minus \$64,460 multiplied by 40 percent).

(c) As of January 1, 1964, the basis of such property is increased by \$3,850 to \$161,864 (\$161,150 minus \$64,460, minus \$38,676, and plus \$3,850). No adjustment in the rate of the allowance for depreciation is necessitated by the increase in basis under this section since the rate and method applied in 1962 and 1963 will produce a total allowance of \$150,000 over the entire estimated useful life of the property. Thus, depreciation with respect to such asset for 1964 is \$24,746 (\$161,864 multiplied by 40 percent), for 1965 is \$14,847 (\$161,864 minus \$24,746 multiplied by 40 percent), and for 1966 is \$7,271, since such property cannot be depreciated below its salvage value of \$15,000.

Example (3). (a) The facts are the same as in example (2) except that depreciation was computed under the sum of the years-digits method. Thus, depreciation with respect to such asset for the taxable year 1962 was \$48,717 (adjusted basis of \$161,150 minus \$15,000 multiplied by 5/15). For the taxable year 1963 depreciation was \$38,973 (\$161,150 minus \$15,000 multiplied by 4/15).

(b) As of January 1, 1964, the basis of such property is increased in the amount of \$8,850. In order to produce a total allowance of \$150,000 over the entire useful life, it is necessary to adjust the annual allowance. Thus, as of January 1, 1964, under the taxpayer's method of depreciation, a new rate of % is determined for the taxable year 1964. Commencing with such taxable year, this new rate is applied against the asset's adjusted basis of \$77,310 minus salvage value of \$15,000. The adjusted basis

as of January 1, 1964, is determined as follows:

Original cost to taxpayer.....	\$165,000
Less: Reduction for investment credit as prescribed by paragraph (a).....	\$3,850
Depreciation for 1962.....	48,717
Depreciation for 1963.....	38,973
	91,540
	73,460

Add: Increase prescribed by this paragraph..... 3,850

Adjusted basis as of January 1, 1964..... 77,310

Depreciation for the taxable year 1964 is \$31,155 (adjusted basis of \$77,310 minus salvage value of \$15,000 multiplied by %). Likewise, depreciation for the taxable year 1965 shall be \$20,770 (\$77,310 minus \$15,000 multiplied by %).

Example (4). (a) The facts are the same as in example (2) except that the useful life was estimated in terms of units of production and depreciation was computed under the unit-of-production method. The estimated total production of the property was 150,000 units, and 30,000 units were produced annually. Thus, depreciation for the taxable year 1962 was \$29,230 (adjusted basis of \$161,150 minus \$15,000 multiplied by 30,000/150,000). For the taxable year 1963 depreciation was again \$29,230.

(b) As of January 1, 1964, the basis of such property is increased in the amount of \$3,850. In order to permit a total allowance of \$150,000 over the entire useful life of the property, it is necessary to adjust the annual allowance for depreciation over its remaining life. Thus, as of January 1, 1964, under the taxpayer's method of depreciation, a new rate of 30,000/90,000 is determined for the taxable year 1964. Commencing with such taxable year, this new rate is applied against the adjusted basis of the property of \$106,540 minus salvage value of \$15,000. The adjusted basis as of January 1, 1964, is determined as follows:

Original cost to taxpayer.....	\$165,000
Less: Reduction for investment credit as prescribed by paragraph (a).....	\$3,850
Depreciation for 1962.....	29,230
Depreciation for 1963.....	29,230
	62,310
	102,690

Add: Increase prescribed by this paragraph..... 3,850

Adjusted basis as of January 1, 1964..... 106,540

Depreciation for the taxable year 1964 is \$30,513 (adjusted basis of \$106,540 minus salvage value of \$15,000 multiplied by 30,000/90,000). Likewise, for the taxable year 1965 depreciation shall be \$30,513 (\$106,540 minus \$15,000 multiplied by 30,000/90,000).

Example (5). (a) X Corporation, a calendar year basis taxpayer, acquired and placed in service on January 1, 1962, a number of assets which qualified as new section 38 property. Such assets had a total basis of \$180,000, a total salvage value of \$18,000 and were accounted for in a multiple asset account containing other assets similar in kind, but not qualifying as section 38 property. Depreciation was computed under the straight line method over an average estimated useful life of 10 years.

For the taxable year 1962, X Corporation was allowed under section 38 a credit of \$12,600 (7 percent of \$180,000). Under section 48(g)(1), the basis of such property in 1962 was reduced to \$167,400.

(b) As of January 1, 1964, the basis of the assets is increased in the amount of \$12,600. To produce a total allowance equal to the

allowance which would have resulted if section 48(g)(1) had not applied, an adjustment in the rate of depreciation would be necessary. If the taxpayer selects the third alternative described for multiple asset accounts in subparagraph (1) of this paragraph, the amount of the adjustment will be determined with reference to the increase in basis alone. In that case, under the taxpayer's method of depreciation, depreciation with respect to the increase in basis for the taxable year 1964 and for each of the seven succeeding years is \$1,575 (increase in basis of \$12,600 divided by estimated remaining useful life of 8 years).

(e) Increase in basis; purchase of leased property by lessee treated as purchaser—(1) In general. If a lessor of property placed in service before January 1, 1964, made a valid election under § 1.48-4 to treat the lessee as having purchased such property for purposes of the credit allowed by section 38 and if the lessee actually purchased the property at a later date prior to the expiration of the useful life used in computing the credit, the basis of the property shall be increased. If the property was purchased by the lessee in a taxable year beginning before January 1, 1964, the increase shall be made as of the first day of the lessee's first taxable year beginning after December 31, 1963, in an amount equal to 7 percent of the qualified investment in the property (determined as of the date the property was placed in service), but not in excess of the reduction in basis made under paragraph (b) of this section plus the decrease in rental deductions made under paragraph (k)(2) of § 1.48-4. If the property was purchased by the lessee in a taxable year beginning after December 31, 1963, the increase shall be made to the basis of the property as of the date of purchase by an amount equal to any decrease in rental deductions actually made under paragraph (k)(2) of § 1.48-4 minus any increase in rental deductions taken into account by the lessee under paragraph (m) of § 1.48-4. Any increase in basis under this paragraph shall be reduced to the extent of any increase in basis previously made under paragraph (c) of this section on account of early disposition, etc., of the property. For taxable years of a lessee beginning after December 31, 1963, such increase in basis shall be taken into account for all purposes of subtitle A of the Code.

(2) Special rules. (i) The increase in basis provided by this paragraph shall be taken into account ordinarily by the lessee treated as the purchaser. However, if the property under the lease is transferred before the purchase by the lessee to a successor lessee in a transaction described in section 47(b) (other than a transfer by reason of death) under which the successor lessee assumes the lessee's obligations under the lease, or if the property is purchased by the lessee in a taxable year beginning before January 1, 1964, and subsequently transferred in a transaction described in section 47(b) (other than a transfer by reason of death), the increase in basis provided for in this paragraph shall be taken into account by the transferee.

(ii) The basis of any section 38 property is not to be increased under subparagraph (1) of this paragraph if the

taxpayer dies in a taxable year beginning before January 1, 1964.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). (a) X Corporation acquired on January 1, 1962, an item of new section 38 property with a basis of \$10,000, an estimated useful life of 10 years, and a salvage value of \$1,000. Y Corporation, which makes its return on the basis of a calendar year, leased such property from X Corporation and placed it in service on January 2, 1962. Under § 1.48-4, X Corporation made a valid election to treat Y Corporation as having purchased such property for purposes of the credit allowed by section 38. The amount of the credit earned with respect to such property was \$700 (7 percent of \$10,000). For the taxable year 1962, Y Corporation decreased, under paragraph (k) (2) of § 1.48-4, its deductions otherwise allowable under section 167 for amounts paid to X Corporation under the lease with respect to such property by \$70 (\$700 multiplied by $\frac{1}{10}$). On January 1, 1963, Y Corporation purchased such property from X Corporation for \$8,830.

(b) As of January 1, 1963, Y Corporation in accordance with paragraph (b) of this section reduced the basis of the property by the amount of \$630 (\$700 minus \$70). The adjusted basis of the property for the taxable year 1963 for purposes of determining a reasonable allowance for depreciation under section 167 was \$8,200 (\$8,830 minus \$630). Depreciation under the straight line method for such taxable year amounted to \$800 (adjusted basis of \$8,200 minus salvage value of \$1,000 and divided by estimated remaining useful life of 9 years). As of December 31, 1963, the adjusted basis had been reduced to \$7,400 (\$8,200 minus depreciation of \$800 for the taxable year 1963).

(c) As of January 1, 1964, the basis of such property is increased to \$8,100 (\$7,400 plus \$700). To permit a total allowance of \$7,900 over the entire useful life of the property (treating as a part of the depreciable basis of the property the decrease of \$70 made in the taxpayer's rental deductions for the taxable year 1962), it is necessary to recompute the annual allowance for depreciation. Thus, depreciation for the taxable year 1964 and for each of the 7 succeeding years is \$887.50 (adjusted basis of \$8,100 minus salvage value of \$1,000 and divided by estimated remaining useful life of 8 years).

Example (2). (a) The facts are the same as in example (1) of paragraph (m) (2) of § 1.48-4 except that Y Corporation purchased the property on January 3, 1965, for \$20,000.

(b) For the taxable year 1964 Y Corporation increases its deductions otherwise allowable under section 162 by \$42.

(c) As of January 3, 1965, Y Corporation increases the basis of the property (\$20,000) by \$294 (\$336 decrease in rental deductions made in 1962 and 1963 minus \$42 increased rental deductions taken into account in 1964).

PAR. 4. Paragraph (c) of § 1.167(f)-1 is amended by revising examples (1), (2), (3), and (6) to read as follows:

§ 1.167(f)-1 Reduction of salvage value taken into account for certain personal property.

(c) Illustrations. . . .

Example (1). Taxpayer A purchases a new asset for use in his business on January 1, 1963, for \$10,000. The asset qualifies for the

investment credit under section 38 and for the additional first-year depreciation allowance under section 179. A is entitled to an investment credit of \$700 (7% × \$10,000) and elects to take an additional first-year depreciation allowance of \$2,000 (20% × \$10,000). The basis for depreciation (determined in accordance with the provisions of section 167(g) and § 1.167(g)-1) is computed as follows:

Purchase price	\$10,000
Less: Adjustment required for taxable years beginning before Jan. 1, 1964, under section 1016(a)(19) for the investment credit	\$700
Adjustment required under section 1016(a)(2) for the additional first-year depreciation allowance	2,000
	2,700
Basis for depreciation for the taxable year 1963	7,300

However, the basis of the property for determining depreciation as of the time as of which salvage value is required to be determined is \$10,000, the purchase price of the property. A files his income tax returns on a calendar year basis and uses the straight line method of depreciation. A estimates that he will use the asset in his business for 10 years after which it will have a salvage value of \$500, which is less than \$1,000 (10% × \$10,000, the basis of the property for determining depreciation as of the time as of which salvage value is required to be determined). For the taxable year 1963 A may deduct \$730 as the depreciation allowance. As of January 1, 1964, the basis of the asset is increased by \$700 in accordance with paragraph (d) of § 1.48-7. In computing his total depreciation allowance on the asset, A may reduce the amount taken into account as salvage value to zero and may claim depreciation deductions (including the additional first-year depreciation allowance) totaling \$10,000. See paragraph (d) of § 1.48-7 for the computation of depreciation for taxable years beginning after December 31, 1963, where there is an increase in basis of property subject to the investment credit.

Example (2). Assume the same facts as in example (1) except that A in a subsequent taxable year redetermines the estimate of the useful life of the asset and at the same time also redetermines the estimate of salvage value. Assume also that at such time the only reductions reflected in the basis are for depreciation allowed or allowable. Accordingly, the reduction under section 167(f) and this section will be computed with regard to the purchase price and not the unrecovered basis for depreciation at the time of the redetermination.

Example (3). Assume the same facts as in example (1) except that A estimates that the asset will have a salvage value of \$1,200 at the end of its useful life. In computing his depreciation for the asset, A may reduce the amount to be taken into account as salvage value to \$200 (\$1,200 - \$1,000). Accordingly, A may claim depreciation deductions (including the additional first-year depreciation allowance) totaling \$9,800, i.e., the purchase price of the property (\$10,000) less the amount taken into account as salvage value (\$200).

Example (6). Taxpayer C purchases a new asset for use in his business on January 1, 1963, for \$10,000. At the time of purchase, the asset has an estimated useful life of 10 years and an estimated salvage value of

\$1,500. C elects to compute his depreciation allowance for the asset by the declining balance method of depreciation, using a rate of 20% which is twice the normal straight line rate of 10% (without adjustment for salvage value). C files his income tax returns on a calendar year basis. In computing his depreciation allowance for the year 1966, C changes his method of determining the depreciation allowance for the asset from the declining balance method to the straight line method (in which salvage value is accounted for in determining the annual depreciation allowances) in accordance with the provisions of section 167(e) and paragraph (b) of § 1.167(e)-1. He also wishes to reduce the amount of salvage value taken into account in accordance with the provisions of section 167(f) and this section. At the close of the year 1966, the only reductions reflected in the basis of the asset are for depreciation allowances. Thus, C may reduce the amount of salvage value taken into account by \$1,000 (10% × \$10,000, the basis of the asset when it was acquired), and, therefore, will account for salvage value of only \$500 in computing his depreciation allowance for the asset in 1966 and subsequent years.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 65-7476; Filed, July 19, 1965; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 94—HIGHWAY TRANSPORTATION

Postal Services

The regulations of the Post Office Department are hereby amended and revised for the purpose of clarification and to show that postmasters will furnish star box patrons with a new Form 5431, Star Route Box Patron Notice. Also, the amended regulations prescribe the use of Form 5431 instead of Form 4232. Additionally, the postal regulations are amended to show that if contract requires the carrier to case his mail, he must prepare and maintain a list of the names of the patrons served, arranged in alphabetical order with the box number opposite each name. The amendments to be effective upon publication are as follows:

1. In § 94.2 *Postal Services*, paragraph (b) *Box delivery and collection service* is revised to read as follows:

§ 94.2 Postal services.

(b) *Box delivery and collection service—(1) Duties of postmasters.*

Postmasters shall:

(i) Upon request of a patron for box delivery and collection service, complete and furnish patron Form 5431, Star Route Box Patron Notice. If uncertain as to the type of box service required by the contract, ascertain contract requirements from the director, transportation division.

(ii) Arrange mail addressed to patrons served through boxes in the order of

delivery by the carrier, unless the contract requires that the carrier arrange his mail in proper order for distribution.

(iii) Make a table and routing case available to the carrier if the contract requires that he case his mail and instruct him in the distribution and arrangement of mail in proper order for delivery to patrons.

(iv) Deliver to carrier any mail addressed to a patron of his office who:

(a) Lives on or near the star route on which box delivery is required.

(b) Has provided suitable box or sack. See § 49.4.

(c) Has filed request with the postmaster to have mail delivered by carrier and has completed Form 5431.

(v) Instruct carrier as to proper point at which mail is to be delivered.

(vi) Withhold delivery of registered, insured, certified, and COD mail to carrier, unless contract requires that the carrier deliver such mail.

(vii) Tie out and place in pouch mail addressed to patrons of his office who reside along road traveled by carrier after serving another post office on the route. This mail is removed from pouch by the postmaster at office last supplied before serving such patrons and handed to carrier for delivery. See § 49.3(b)(4).

(viii) Mark up and forward mail for patrons who have filed change of address cards. Notify carriers who maintain rosters of patrons served of the changes.

Postmasters must not deliver mail to carrier outside of regular lock pouch before it has reached the post office to which it is addressed.

(2) *Duties of carriers and patrons.*
(i) See § 49.3 and § 49.4 for the principal duties of carriers and patrons.

(ii) If the contract requires that the carrier case his mail, he must:

(a) Report to post office in sufficient time to distribute mail in advance of scheduled departure time.

(b) Accept mail addressed to patrons of the route, from the postmaster, and arrange it in order of delivery.

(c) Prepare and maintain a list of the names of the patrons served, arranged in alphabetical order with the box number opposite each name. * * *

NOTE: The corresponding Postal Manual section is 521.22.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-7613; Filed, July 19, 1965; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev., Amdt. 1]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Utilization and Performance Reports Prescribed

Section 222.2 of this part is hereby amended to read as set forth below which reflects the consolidation of Forms MA-7801 and MA-7802 into a new Form MA-578 and changes in the number of days allowed for filing the Forms MA-7803 and MA-7804:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

Pursuant to the authority of section 212(A) of the Merchant Marine Act, 1936, as amended (Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a), the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101 et seq.), to require persons operating vessels in the waterborne foreign commerce of the United States to file reports of the utilization and performance of such vessels on Form MA-578 for passenger and dry-cargo vessels and on Forms MA-7803 and MA-7804 for tankers; and hereby prescribes and approves such Forms and Instructions for the preparation thereof. An accurate Form MA-578, Vessel Utilization and Performance Report, must be filed, in duplicate, with the appropriate collector of customs, for transmittal to the Maritime Administration, by the operator of every self-propelled passenger and dry-cargo vessel of 1,000 or more gross registered tons, before midnight of the 15th day after clearance from the last United States port. If the operator elects, he may file separate inbound and outbound reports within 15 days after entering or clearing a United States port (hereinafter called

1 Copy each of the Form MA-578 and Instructions for its use were filed with the Office of the Federal Register; Forms MA-7803 and MA-7804 and Instructions were filed previously with said Office. These forms and instructions may be obtained from the Office of Statistics, Maritime Administration, Washington, D.C., 20235.

"port"). Operators desiring to submit vessel utilization and performance data on punched cards may do so by obtaining permission from the Maritime Administration in which event the data must be received by the Maritime Administration not later than 30 calendar days after entering or clearing a port. Forms MA-7803 and MA-7804 shall be filed within 15 days after entering or clearing a port. In calculating the due date for the 15 day limitation, Saturdays, Sundays, and holidays are excluded. Forms MA-578, MA-7803 and MA-7804 are required to be filed in duplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

The changes effected in this amendment being minor in nature, it is deemed impracticable to delay the effective date thereof; therefore, the foregoing shall be effective on August 1, 1965.

The reporting requirements herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

Dated: July 14, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-7648; Filed, July 19, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Nunivak National Wildlife Refuge; Correction

In Federal Register Document 65-6898, appearing on page 8412, column 3, of the issue for July 1, 1965, the following change should be made: Under the heading "Nunivak National Wildlife Refuge", the last line should read: April 30, 1966.

HARRY A. GOODWIN,
Acting Regional Director.

JULY 7, 1965.

[F.R. Doc. 65-7605; Filed, July 19, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Proposed Budget and Rate of Assessment for Calendar Year 1965

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1965, as follows:

§ 131.165 Budget of expenses and rates of assessment for the calendar year 1965.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1965, will amount to \$49,565.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of \$8,778.99 on hand with said Control Agency on January 1, 1965, from assessments collected during the calendar year 1964, leaving a balance of \$40,786.01 to be collected during the calendar year 1965.

(b) *Rates of assessment.* Of the amount of \$40,786.01 to be collected during the calendar year 1965, the sum of \$33,281.38 shall be assessed against han-

dlers who are manufacturers, and \$7,504.62 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1965 by each handler who is a manufacturer shall be \$19.96 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1964 and the pro rata share of such expenses to be paid for the calendar year 1965 by each handler who is a wholesaler shall be \$25.00 for the first ten thousand dollars or fraction thereof and \$8.06 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used herein, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 714 Veterans of Foreign Wars Building, Kansas City, Mo., 64111.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, U.S. Department of Agriculture, Washington, D.C., 20250, not later than the close of business on the thirtieth (30th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the of-

fice of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

(49 Stat. 781; 7 U.S.C. 851 et seq.)

Issued this 15th day of July 1965.

E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-7634; Filed, July 19, 1965;
8:49 a.m.]

Consumer and Marketing Service

[9 CFR Part 201]

REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Extension of Time for Filing Comments

On June 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7721) regarding the amendment of § 201.66 of the regulations (9 CFR 201.66) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). The notice provided that written data, views, or arguments concerning the proposed amendment should be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before July 16, 1965. In response to the requests of several interested persons, the time for filing such written data, views, or arguments is hereby extended to and including August 2, 1965.

Done at Washington, D.C., this 15th day of July 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-7633; Filed, July 19, 1965;
8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3-p]

WELDED WIRE MESH FROM BELGIUM

Determination of Sales at Not Less Than Fair Value

JULY 13, 1965.

On May 28, 1965, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that welded wire mesh for concrete reinforcement imported from Belgium is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until June 27, 1965, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination welded wire mesh for concrete reinforcement imported from Belgium is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 65-7616; Filed, July 19, 1965;
8:48 a.m.]

[Treasury Dept. Order 177-23]

ASSISTANT SECRETARY

Designation as Member of Foreign-Trade Zones Board

Pursuant to Treasury Department Order No. 190, Revision 2, of October 23, 1963, the Assistant Secretary of the Treasury having responsibility for the supervision of the Bureau of Customs is directed to act for the Secretary of the Treasury with respect to all of the Secretary's functions as a member of, and with respect to, the Foreign-Trade Zones Board and to exercise all of the authority of the Secretary of the Treasury under the Act of June 18, 1934, 48 Stat. 998 (19 U.S.C. 81a, et seq., as amended).

Nothing herein shall be deemed to limit the authority which has been granted to any officer of the Treasury Department by Treasury Department Order No. 190, Revision 2.

Dated: July 8, 1965.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65-7617; Filed, July 19, 1965;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 0225991]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 12, 1965.

Notice of an application Serial No. New Mexico 0225991, for withdrawal and reservation of lands was published as Federal Register Document No. 61-11880 on page 12043 of the issue for Friday, December 15, 1961. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 a.m., on August 2, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

Carson National Forest

Columbine Forest Camp

T. 28 N., R. 13 E. (unsurveyed).

That portion of the following subdivision lying north of the New Mexico State Highway No. 38:

Sec. 11, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, excluding HES 101;

Sec. 12, W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 20 acres, more or less.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 65-7615; Filed, July 19, 1965;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CANNED AND FROZEN RED TART PITTED CHERRIES

Notice of Purchase Program GMP 96a

In order to encourage the domestic consumption of red tart pitted cherries by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the U.S. Department of Agriculture offers to purchase canned and frozen red tart pitted cherries packed

from 1965 crop cherries grown in the United States, for subsequent use in school lunch programs. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer these products are contained in Announcement FV-370 issued by the Department on July 13, 1965. Quantity purchased will depend upon quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: July 15, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-7607; Filed, July 19, 1965;
8:47 a.m.]

Forest Service

CERTAIN LANDS ACQUIRED

Suitability for National Forest Purposes

Pursuant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F.R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1964, or that are in the process of being acquired through exchange, by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1013), are hereby determined to be suitable for national forest purposes.

Dated: June 30, 1965.

M. M. NELSON,
Deputy Chief, Forest Service.

[F.R. Doc. 65-7604; Filed, July 19, 1965;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 344]

CARAMANT INDUSTRIAL TRADE AGENCY, C. HAUCK & CO. AND MANFRED HARDT

Order Denying Export Privileges

In the matter of Caramant Industrial Trade Agency, C. Hauck & Co., and Man-

fred Hardt, Lanzstrasse 11, Wiesbaden, Federal Republic of Germany, respondents; Case No. 344.

On February 16, 1965, the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, charged the above respondents with violations of the Export Control Act of 1949 and the regulations thereunder for having unlawfully reexported electrical testing equipment from West Germany to Hungary. The respondents filed an answer in which they acknowledged the re-exportation to Hungary. By way of mitigation or extenuating circumstances, they alleged that they were "ignorant of the details" of the Export Control Act and the regulations thereunder and that they "did not act deliberately and consciously." The respondents did not ask for an oral hearing.

The case was referred to the Compliance Commissioner and he held an informal hearing on May 27, 1965, at which time evidence in support of the charges was presented on behalf of the Investigations Division. The Compliance Commissioner has submitted to the undersigned his written report, including findings of fact and findings that a violation has occurred. He has recommended that remedial action as herein-after set forth be taken against the respondents. On consideration of the record I hereby make the following findings of fact:

1. The respondent firm, Caramant Industrial Trade Agency, C. Hauck & Co., sometimes called Caramant Industrials, is engaged in the import-export business and has a place of business in Wiesbaden, Federal Republic of Germany. The firm was formerly called Caramant Import Trade Agency, Carin Hauck & Co. The partners of said firm are Carin Hardt (formerly Carin Hauck) and Manfred Hardt. Manfred Hardt is the manager of the firm and handled the transaction in question on behalf of the firm.

2. In March 1964, the respondents ordered from a U.S. supplier certain electrical testing equipment which required a validated license for exportation. In connection with said order the respondents submitted to the supplier a consignee-purchaser statement (Form FC-843) signed by Manfred Hardt on behalf of Caramant. In said statement the respondents certified that any commodities exported in reliance thereon would not be sold outside of West Germany and that, unless specifically authorized, they would not reexport such commodities to countries not approved for export as brought to their attention by means of a bill of lading or commercial invoice. The respondents knew that the representations in the consignee-purchaser statement would be relied on by the U.S. authorities in considering whether to issue an export license for the commodities in question.

3. In reliance on respondents' representations in the consignee-purchaser statement, the Office of Export Control issued an export license to the U.S. exporter, and on May 16, 1964, the equipment in question valued at approximately \$8,300 was exported from the

United States to the respondents in West Germany.

4. The bill of lading under which the goods were exported and the commercial invoice from the supplier to Caramant contained the destination control statement that the goods were licensed by the United States for ultimate destination West Germany and that diversion contrary to U.S. law was prohibited.

5. After arrival of the goods in West Germany, the respondents reexported same to Budapest, Hungary. The respondents knew at the time of said re-exportation that the equipment was of U.S. origin and that the re-exportation was contrary to their previous representations. They knew or had reason to know that U.S. law prohibited the re-exportation without prior authorization from the U.S. Government. The respondents did not apply for or obtain such authorization.

Based on the foregoing, I have concluded that the respondents violated § 381.6 of the Export Regulations in that without specific authorization from the Office of Export Control they knowingly reexported commodities to an unauthorized destination contrary to the terms of their prior representations, contrary to notification against such re-exportation, and contrary to the provisions of the Export Regulations and of a license issued thereunder.

Concerning the sanction that should be imposed the Compliance Commissioner said:

In considering what sanction should be imposed for a violation of the Export Regulations, among the factors to be taken into consideration are the respondents' attitude concerning the violation and whether it can be expected that in the future they will handle U.S. exportations in compliance with the requirements of our law. The respondents have expressed their regret for having acted in violation of the regulations, and they have given assurances of strict adherence to our regulations in the future. They appear to be sincere in their representations.

The primary purpose of sanctions in cases of this type is to bring about compliance with the provisions of the Export Control Act and regulations. I believe that the necessary salutary effect in this case will be achieved if the respondents are denied export privileges for 1 year and thereafter are placed on probation for the balance of 3 years, and I recommend that such sanction be imposed.

I have concluded that the recommendation of the Compliance Commissioner as to the sanction that should be imposed is fair and just and designed to achieve effective enforcement of the law. Accordingly, it is hereby ordered:

I. All outstanding export licenses in which the respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for a period of 3 years are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the gen-

erality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. One year after the effective date hereof, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored conditionally and thereafter for the remainder of the 3-year denial period the respondents shall be on probation. The conditions of such restoration are that the respondents shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondents have knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents, or any of them, revoke all outstanding validated export licenses to which any of said respondents may be a party, and deny to said respondents all export privileges for a period up to 2 years. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondents' probation without notice, they may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Com-

merce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with a respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on July 20, 1965.

Dated: July 12, 1965.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 65-7589; Filed, July 19, 1965;
8:45 a.m.]

[Case No. 345]

JEAN MORVAN

Order Denying Export Privileges

In the matter of Jean Morvan, 3880 Sherbrooke Street, East, Montreal, Quebec, Canada, respondent; Case No. 345.

By charging letter dated April 16, 1965, the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, charged the above-named respondent with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondent was served with the charging letter as provided in the Export Regulations and has not responded or filed an answer.

Prior to the issuance of the charging letter, a Temporary Denial Order was issued against the respondent on November 17, 1964 (29 F.R. 16098), and on January 8, 1965, was extended until the completion of administrative compliance proceedings (30 F.R. 494).

In accordance with § 382.4 of said regulations, the respondent is held in default. The case was referred to the Compliance Commissioner. He held an informal hearing on June 30, 1965, at which time counsel for the Investigations Division presented evidence in support of the charges.

It was charged that on or about October 18, 1961, the respondent exported or caused to be exported from Canada to the U.S.S.R. a U.S.-manufactured motor coach, which he falsely represented to the Canadian authorities, in an export license application, had been manufac-

tured in Canada and that the respondent knew or had reason to know at the time the motor coach was exported that it had been manufactured in the United States and that U.S. law prohibited its exportation from Canada to the U.S.S.R. without prior authorization from the U.S. Government.

The Compliance Commissioner has reported the findings of fact and findings that violations have occurred, and he has recommended that the sanction hereinafter set forth be imposed.

After considering the record and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. The respondent Jean Morvan is a resident of Montreal, Quebec, Canada, and is engaged in the import-export business.

2. In July 1961, the respondent ordered from the Canadian affiliate of a U.S. manufacturer a passenger motor coach. The Canadian firm ordered the motor coach from its affiliate in the United States which had manufactured the motor coach. The motor coach was exported from the United States to Canada and delivery was made according to the respondent's instructions and was paid for by him.

3. The respondent knew that the motor coach was of U.S. manufacture and that U.S. law prohibited its reexportation from Canada to the U.S.S.R. without prior authorization from the U.S. Government.

4. The respondent filed an application with the Canadian authorities for a license to export said motor coach to the U.S.S.R. and falsely and fraudulently represented in said application that said motor coach was manufactured in Canada.

5. On or about October 18, 1961, the respondent, without having obtained authorization from the U.S. Government, exported and caused to be exported from Montreal, Canada, to the U.S.S.R. the said motor coach valued at approximately \$36,000.

6. Criminal charges arising out of this transaction were brought against the respondent by the Canadian authorities in Montreal for knowingly making a false statement on an application for an export license and for exporting, in violation of Canadian law, an autobus to the U.S.S.R., a country whose name appears on a list of countries to which controls are applied. The respondent pleaded guilty to both counts and on January 26, 1965, was fined a total of \$1,000.

Based on the foregoing, I have concluded that the respondent violated §§ 381.2 and 381.6 of the U.S. Export Regulations in that, without authorization from the U.S. Department of Commerce, he knowingly reexported and caused the reexportation of a U.S.-origin commodity from Canada to the U.S.S.R. contrary to the provisions of the U.S. Export Regulations.

Having considered the record in the case and the recommendation of the Compliance Commissioner as to the sanction that should be imposed and having concluded that said recommendation is fair and just and necessary to

achieve effective enforcement of the law; *It is hereby ordered:*

I. The restrictions of the Temporary Denial Order which was entered against the respondent on November 17, 1964 (29 F.R. 16098), and extended on January 8, 1965 (30 F.R. 494), are hereby continued in full force and effect.

II. So long as export controls are in effect the respondent hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners, and to any person, firm, corporation, or other business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when the respondent or any other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with said respondent or other person denied export privileges within the scope of this order, or whereby such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of

any commodity or technical data exported or to be exported from the United States.

This order shall become effective on publication in the *FEDERAL REGISTER*.

Dated: July 12, 1965.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 65-7590; Filed, July 19, 1965;
8:45 a.m.]

Office of the Secretary

[Dept. Order 2-A]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce effective July 13, 1965. This material supersedes the material appearing at 29 F.R. 3716 of March 25, 1964; 28 F.R. 3424 of April 6, 1963; 29 F.R. 12654-12655 of September 5, 1964; 28 F.R. 3424-3426 of April 6, 1963; 29 F.R. 5481-5482 of April 23, 1964; 30 F.R. 3461 of March 16, 1965; and 29 F.R. 5482-5484 of April 23, 1965.

SECTION 1. Purpose. .01 The purpose of this order is to delegate authority to the Administrator of the Environmental Science Services Administration, hereinafter referred to as the Administrator, and to describe functions of the Environmental Science Services Administration, hereinafter referred to as the Administration.

Sec. 2. General. .01 The Administration, established on July 13, 1965, through the consolidation of the Coast and Geodetic Survey and the Weather Bureau in accordance with the provisions of Reorganization Plan No. 2 of 1965, shall be a primary organization unit of the Department of Commerce.

.02 The Administrator, who is appointed by the President by and with the advice of the Senate, is the head of the Administration. The Administrator shall be assisted by the Deputy Administrator of the Environmental Science Services Administration, hereinafter referred to as the Deputy, who is appointed by the President by and with the advice and consent of the Senate.

.03 The Administrator shall report and be responsible to the Assistant Secretary of Commerce for Science and Technology.

.04 The Deputy Administrator shall act as the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator. In the absence of both the Administrator and Deputy Administrator, an employee of the Administration as designated in writing by the Administrator shall act as the Administrator.

Sec. 3. Delegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950, and Reorganization Plan No. 2 of 1965, and subject to such policies and direc-

tives as the Secretary of Commerce or the Assistant Secretary of Commerce for Science and Technology may prescribe, the Administrator is hereby delegated authority to perform the functions vested in or assigned to the Secretary of Commerce under:

a. Title 15, Chapter 9, U.S.C. (the Weather Bureau);

b. 49 U.S.C. 1463 (Weather Service for Civil Aviation);

c. Provisions relating to weather in Title 49, Chapter 15, U.S.C. (International Aviation Facilities);

d. Title 33, Chapter 17, U.S.C. (Coast and Geodetic Survey);

e. Title 10, U.S.C., sections 1201-1203, 1210(f), 1211(b)(1), and 1401(a) (Public Law 88-132) relating to the retirement or separation, for physical disability, of commissioned officers of the Coast and Geodetic Survey (now commissioned officers in the Administration);

f. Executive Order 11023 of May 28, 1962; sections 1 (a), (b), (c), (f), (g), (h), (i), (j), and (l); section 2(d); section 5; and section 6, relating to the appointment, retirement, separation, and resignation of commissioned officers of the Coast and Geodetic Survey (now commissioned officers in the Administration); and the employment of public vessels for carrying out assigned functions;

g. Title 15, Chapter 7, U.S.C., pertaining to electromagnetic propagation phenomena, provided that the delegation of authority applicable to this statute shall be effective upon the effective date of the transfer of the Central Radio Propagation Laboratory to the Administration;

h. Sections 3 and 4 of Bureau of the Budget Circular No. A-62 of November 13, 1963, which pertain to the coordination of Federal meteorological services and supporting research; and

i. All other existing or subsequent legislation with respect to meteorology climatology, hydrology, surveying, cartography, oceanography, terrestrial, and space investigations, electromagnetic wave propagation, electromagnetic properties of the atmosphere, telecommunications services, and related activities within the special competence of the Administration.

.02 The Administrator may redelegate his authority to any employee of the Administration subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 4. Transfers. .01 The Central Radio Propagation Laboratory of the National Bureau of Standards, together with its personnel, funds, records, and property is transferred to the Administration effective 90 days from the effective date of this order, or at such earlier date as may be set by the Assistant Secretary for Administration with the concurrence of the Assistant Secretary for Science and Technology.

.02 The Office of the Federal Coordinator for Meteorological Services and Supporting Research, together with its functions, is hereby transferred to the Administration. Personnel, records, and property assigned to the Office of the Federal Coordinator for Meteorological

Services and Supporting Research (all of which had been carried on the rolls or accounts of the Weather Bureau) are deemed to be personnel, records, and property of the Administration.

Sec. 5. General functions. .01 To ensure the safety and welfare of the public, to further the Nation's agriculture, industry, transportation, and communications, and to assist those Federal departments and agencies that are concerned with the national defense, the exploration of outer space, the management of the Nation's mineral and water resources, the protection of the public health against environmental pollution, and the preservation of the Nation's wilderness and recreation areas, the Administration shall perform the following functions:

a. Observe and collect comprehensive data about the state of the oceans and inland waters, of the upper and lower atmosphere, of the space environment, and of the earth;

b. Communicate, correlate, process, and analyze all such environmental data;

c. Provide and disseminate information about the state of the oceans and inland waters, of the upper and lower atmosphere, of the space environment, and of the earth, and predictions of their future states;

d. Prepare and disseminate warnings of all severe hazards of nature to all who may be affected;

e. Provide nautical and aeronautical charts and related publications and services;

f. Operate and maintain a system for the storage, retrieval, and dissemination of data relating to the state of the oceans and inland waters, of the lower and upper atmosphere, of the space environment, and of the earth;

g. Explore the feasibility of modification and control of environmental phenomena;

h. Coordinate Federal meteorological services and supporting research; and

i. Perform research and development relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the earth, as may be necessary or desirable to develop an understanding of the processes and phenomena of the physical environment; and research and development relating to the observation, communication, processing, correlation, analysis, dissemination, storage, retrieval, and use of environmental data as may be necessary or desirable to permit the Administration to discharge its responsibilities.

.02 The Assistant Secretary for Administration, acting through appropriate offices of the Department, shall take such further actions as may be necessary to (a) effectuate the transfer of personnel, funds, records, and property to the Administration from the Central Radio Propagation Laboratory as provided in section 4.01, and (b) subject to such further measures and dispositions as the Director of the Bureau of the Budget shall direct be carried out, shall take such further actions as may be necessary to effectuate the provisions of section 6 of Reorganization Plan 2 of 1965.

which relate to the transfer of personnel, property and records and availability of funds of the former Coast and Geodetic Survey and the former Weather Bureau.

Sec. 6. *Organization.* .01 Effective upon its establishment, the Administration shall be organized for an interim period as follows:

a. The functions assigned to the Coast and Geodetic Survey immediately prior to the establishment of the Administration shall be deemed to be organized as an organizational entity with the same structure as that of the former Coast and Geodetic Survey, except that the head of the entity shall report and be responsible to the Administrator. This entity of the Administration shall continue to be named the Coast and Geodetic Survey, whose head shall be the Director of the Coast and Geodetic Survey.

b. The functions assigned to the Weather Bureau immediately prior to the establishment of the Administration shall be deemed to be organized as an organizational entity with the same structure as that of the former Weather Bureau except that the head of the entity shall report and be responsible to the Administrator. This entity of the Administration shall continue to be named the Weather Bureau, whose head shall be the Director of the Weather Bureau.

c. Upon the effective date of its transfer to the Administration, the Director of the Central Radio Propagation Laboratory shall report and be responsible to the Administrator.

d. The Federal Coordinator for Meteorological Services and Supporting Research shall report and be responsible to the Administrator.

.02 Within 90 days of the date of this order, the Assistant Secretary for Science and Technology and the Assistant Secretary for Administration jointly shall issue a Department Order (No. 2-B) prescribing the basic organization structure of the Administration which shall supersede the interim organization structure for the Administration herein provided. That order shall authorize the Administrator to place into effect all or parts of the basic organization structure at a time or times he shall determine, provided that all parts thereof are placed into effect no later than January 16, 1966.

.03 The Administrator is authorized to modify or otherwise change the interim organization structure for the Administration herein provided, including making further interim organization arrangements, as he determines to be necessary in the course of converting to the basic organization structure for the Administration to be prescribed as provided above.

Sec. 7. *Savings provisions.* .01 All rules, regulations, orders, certificates, and delegations of authority issued by or relating to the former Coast and Geodetic Survey, the former Weather Bureau, or the Office of the Federal Coordinator for Meteorological Services and Supporting Research, and issued by the National Bureau of Standards or other authority and relating to the Central Radio Propagation

Laboratory, shall remain in effect, provided they are not inconsistent with this order, until specifically revoked or amended by proper authority.

Effective date. July 13, 1965.

DAVID R. BALDWIN,
Assistant Secretary for
Administration-Designate.

[F.R. Doc. 65-7595; Filed, July 19, 1965;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-22438]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1965.

Agreements adopted by Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket 15353, Agreement CAB 17666, R-123 and R-124, Agreement CAB 18169, R-16.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act), and Part 261 of the Board's Economic Regulations, there have been filed with the Board, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreements, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memoranda and Status Report No. 25 as set forth in the attachment hereto, name rates for new points under existing commodity descriptions. The proposed rates will afford significant reductions from the otherwise applicable rates and are consistent with the present specific commodity rates in these areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 17666, R-123 and R-124, and Agreement CAB 18169, R-16, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's

¹ Attachment filed as part of original document.

action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-7629; Filed, July 19, 1965;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16031, 16032; FCC 65M-924]

CAPITAL BROADCASTING CORP. AND CAPITAL NEWS, INC.

Order Continuing Prehearing Conference

In re applications of Capital Broadcasting Corp., Frankfort, Ky., Docket No. 16031, File No. BPH-4195; Capital News, Inc., Frankfort, Ky., Docket No. 16032, File No. BPH-4249; for construction permits.

On oral request: *It is ordered*, This 12th day of July 1965, that the prehearing conference is rescheduled from July 16 to July 30, 1965, at 9 a.m.

Released: July 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-7619; Filed, July 19, 1965;
8:48 a.m.]

[Docket Nos. 15856, 15857; FCC 65M-925]

CHAPMAN RADIO AND TELEVISION CO. AND ANNISTON BROADCAST- ING CO.

Order Continuing Hearing

In re applications of William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Anniston, Ala., Docket No. 15856, File No. BPCT-3317; Anniston Broadcasting Co., Anniston, Ala., Docket No. 15857, File No. BPCT-3320; for construction permit for new television broadcast station (Channel 70).

On the unopposed oral request of counsel for applicants, among other reasons because application amendments must be filed: *It is ordered*, This 12th day of July 1965, that the hearing is further rescheduled from July 29 to September 8, 1965.

Released: July 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-7620; Filed, July 19, 1965;
8:48 a.m.]

[Docket Nos. 15668, 15708; FCC 65M-918]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL**Order Scheduling Prehearing Conference**

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

The Hearing Examiner having for consideration the Commission's Memorandum Opinion and Order relating to financial qualifications, released on July 2, 1965, in Ultravision Broadcasting Co., Docket No. 15254, and the public notice in clarification thereof released on July 8, 1965:

It appearing, that the said documents may be pertinent to this hearing, and an opportunity should be afforded the parties to discuss the matter:

It is ordered, This 13th day of July 1965; that a prehearing conference herein shall be convened on July 22, 1965, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: July 14, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Secretary.[F.R. Doc. 65-7621; Filed, July 19, 1965;
8:48 a.m.]

[Docket Nos. 16074-16080; FCC 65M-916]

RICHARD P. GREENSIDE ET AL.**Order Continuing Prehearing Conference**

In re applications of Richard P. Greenside, Mattapan, Mass., Docket No. 16074, File No. 146-CD-64, and Richard P. Greenside, trading as Mobilwave, Mattapan, Mass., Docket No. 16075, File No. 342-CD-64, for Class D station licenses in the Citizens Radio Service; Richard P. Greenside, Mattapan, Mass., Docket No. 16076, File No. 739-CC-64, for a Class C station license in the Citizens Radio Service.

Michael S. Greenside, trading as Auto-wave, Mattapan, Mass., Docket No. 16077, File No. 664-CD-64; Bertha Greenside, Mattapan, Mass., Docket No. 16078, File No. 665-CD-64; William Greenside, Mattapan, Mass., Docket No. 16079, File No. 666-CD-64; Stephen R. Greenside, trading as Northwest TV, Mattapan, Mass., Docket No. 16080, File No. 687-CD-64; for Class D station licenses in the Citizens Radio Service.

The Hearing Examiner having under consideration motion filed July 13, 1965, on behalf of Chief, Safety and Special Radio Services Bureau, requesting that the prehearing conference now scheduled for July 27, 1965, be rescheduled to a date subsequent to August 30, 1965;

It appearing, that good cause exists why said motion should be granted and there is no objection thereto:

Accordingly, it is ordered, This 14th day of July 1965, that the motion is granted and that the prehearing conference now scheduled for July 27, 1965, be and the same is hereby rescheduled for September 1, 1965, 9 a.m., in the Commission's offices, Washington, D.C.

Released: July 14, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Secretary.[F.R. Doc. 65-7622; Filed, July 19, 1965;
8:48 a.m.]

[Docket Nos. 15826, 15827; FCC 65M-919]

KXYZ TELEVISION, INC., AND CREST BROADCASTING CO.**Order Scheduling Prehearing Conference**

In re applications of KXYZ Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT-3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit for new television broadcast station.

The Hearing Examiner having for consideration the Commission's Memorandum Opinion and Order relating to financial qualifications, released on July 2, 1965, in Ultravision Broadcasting Co., Docket No. 15254, and the public notice in clarification thereof released on July 8, 1965:

It appearing, that the said documents may be pertinent to this hearing, and an opportunity should be afforded the parties to discuss the matter:

It is ordered, This 13th day of July 1965, that a prehearing conference herein shall be convened on July 21, 1965, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: July 14, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Secretary.[F.R. Doc. 65-7623; Filed, July 19, 1965;
8:48 a.m.]

[Docket Nos. 16017, 16019; FCC 65M-915]

MISSOURI-ILLINOIS BROADCASTING CO. AND KGMO RADIO-TELEVISION, INC. (KGMO)**Order Continuing Hearing**

In re applications of Jerome B. Zimmer and Lionel D. Speidel, doing business as Missouri-Illinois Broadcasting Co., Cape Girardeau, Mo., Docket No. 16017, File No. BP-15057, for construction permit; KGMO Radio-Television, Inc. (KGMO), Cape Girardeau, Mo., Docket No. 16019, File No. BR-2704, for renewal of license.

Under consideration is a Motion for Continuance filed by KGMO on July 13,

1965, seeking to have the date for exchange of exhibits, lists of witnesses, and date of hearing extended; and

It appearing that cause for grant of the relief requested lies in the fact that simultaneously with the filing of the instant motion there was filed with the Commission a pleading entitled, "Joint Petition to Reconsider Designation for Hearing; To Reinstate Grant of KZYM Application; and To Grant KGMO Application"; and

It appearing that grant of the latter petition would exhaust cause for hearing; and

It further appearing that counsel for the Missouri-Illinois Broadcasting Co. and the Broadcast Bureau, the only other parties to the proceeding, consent to grant of the instant motion and to its early consideration:

Accordingly, it is ordered, This 13th day of July 1965, that the Motion for Continuance filed by KGMO Radio-Television, Inc. (KGMO) on July 13, 1965, is granted; and the dates for exchange of exhibits and lists of witnesses, now scheduled for July 13, 1965, and hearing, now scheduled for July 20, 1965, are all continued to September 30, 1965.

Released: July 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] BEN F. WAPLE,
Secretary.[F.R. Doc. 65-7624; Filed, July 19, 1965;
8:48 a.m.]

[Docket Nos. 15460, 15461; FCC 65M-920]

SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.**Order Scheduling Prehearing Conference**

In re applications of Symphony Network Association, Inc., Fairfield, Ala., Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

The Hearing Examiner having for consideration the applicants' notices of intent to amend their applications pursuant to Supplement No. 1 to the Commission's Fourth Report and Order in Docket No. 14229; the Commission's Memorandum Opinion and Order relating to financial qualifications, released July 2, 1965, in Ultravision Broadcasting Co., Docket No. 15254, and its public notice in clarification thereof, released July 8, 1965; and the pleadings filed by Birmingham Television Corp. seeking intervention in this proceeding;

It appearing, that it would be appropriate to afford the parties an opportunity to express their views on these matters, and to set an early date for the filing of proposed findings herein:

It is ordered, This 13th day of July 1965, that a prehearing conference herein shall be convened on July 20, 1965, com-

mening at 9:00 a.m., in the offices of the Commission at Washington, D.C.

Released: July 14, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-7625; Filed, July 19, 1965;
8:48 a.m.]

[Docket No. 14760; FCC 65M-923]

TRIPLE C BROADCASTING CORP.
(WLOR)

Order Continuing Hearing

In re application of Triple C Broadcasting Corp. (WLOR), Thomasville, Ga., Docket No. 14760, File No. BP-14988; for construction permit.

By mutual informal agreement and request of all parties, together with the belief of the Hearing Examiner that a short continuance of the above-entitled matter will actually expedite its conclusion: It is ordered, This 15th day of July 1965, that the hearing now scheduled for July 19, 1965, is rescheduled to commence at 10 a.m., July 22, 1965, in the Commission's offices in Washington, D.C.

Released: July 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-7626; Filed, July 19, 1965;
8:49 a.m.]

[Docket Nos. 15254, 15255; FCC 65M-922]

ULTRAVISION BROADCASTING CO.
AND WEBR, INC.

Order Scheduling Further Prehearing
Conference

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y., Docket No. 15254, File No. BPCT-3200 WEBR, Inc., Buffalo, N.Y., Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

A further prehearing conference will be held on July 26, 1965, beginning at 9 a.m., in the offices of the Commission, Washington, D.C.

The matters to be discussed will include but will not be limited to the following:

a. To what extent, if any, either party will amend its presently pending application pursuant to authorization contained in a Memorandum Opinion and Order adopted June 30, 1965, released July 2, 1965, in Ultravision Broadcasting Co., et al. (FCC 65-581; Mimeo No. 69561), as clarified by a public notice adopted July 7, 1965, released July 8, 1965 (FCC 65-595; Mimeo No. 69567).

b. The feasibility of establishing at this time a date for the resumption of the evidentiary hearing in this proceeding.

It is so ordered, This the 14th day of July 1965.

Released: July 15, 1965.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-7627; Filed, July 19, 1965;
8:49 a.m.]

[Docket Nos. 15841-15843; FCC 65-619]

WTCN TELEVISION, INC. (WTCN-TV),
ET AL.

Memorandum Opinion and Order
Clarifying Issues

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT-3293; for construction permits.

1. This proceeding involves the applications of three Minneapolis, Minn., television stations for construction permits to move their transmitters to a new antenna farm. Each of the applications was designated for hearing on issues to determine whether the proposed tower height and location would constitute a menace to air navigation. The application of United Television, Inc. (hereinafter KMSP-TV), proposing a transmitter site which is located 21.4 miles less than the minimum required separation from WAOW-TV, Wausau, Wis., was additionally designated for hearing on issues to determine: (a) Whether it was entitled to waiver of § 73.610(a) (requiring a minimum mileage separation of 190 miles between cochannel VHF stations in Zone II), (b) whether it should be required to afford "equivalent protection" to cochannel station WAOW-TV, Wausau, Wis., on the basis of the standards set forth in Docket No. 13340, and (c) the service gains and losses arising out of KMSP-TV's proposal, as well as the availability of other television signals to those areas and populations.

2. The latter issues concerning KMSP-TV were raised by the Association of Maximum Service Telecasters, Inc. (hereinafter MST), which urged that an alternative transmitter location is available for KMSP-TV, meeting all of our spacing requirements. After being made a party respondent in this proceeding, MST filed a petition for partial reconsideration of our designation order (FCC 65-103, released February 15, 1965). MST requested dismissal of KMSP-TV's application or, in the alternative, revision of the designation order so that KMSP-TV would be required to prove that it cannot use a transmitter site meeting the mileage separations of § 73.610 of our rules. By our order (FCC 65-406, released May 13, 1965), MST's petition was dismissed on the grounds, inter alia: (a) That its petition was in effect both a petition requesting dismissal of an application, which is a matter within the delegated jurisdiction of the presiding examiner, and a petition seeking to modify the designated issues,

which is a matter within the delegated jurisdiction of the Review Board; (b) that requests for such forms of interlocutory relief should be directed to the appropriate officials; and (c) that MST's petition was improperly directed to the Commission.

3. MST has now filed a second petition for reconsideration, in which it notes that we did not consider the merits of its previous petition for reconsideration and urges that we reconsider and vacate our order of May 13th and that we treat on the merits its previous petition for reconsideration. MST argues that we erred in dismissing its previous petition in light of section 405 of the Communications Act, which provides that any party may seek reconsideration of a final order, and § 1.106(a) of our rules, which states that a designation order is not an interlocutory ruling. MST asserts that its petition for reconsideration was its only means for seeking the relief requested, and even assuming that there are other means to seek that relief, which it denies, the failure to choose those other means cannot be a proper ground for dismissal of its petition. Both KMSP-TV and the Broadcast Bureau oppose MST's petition, and MST has filed a reply.

4. Since there may be some doubt under our present rules as to the proper forum to consider MST's requests, we believe that the better procedure would be to consider MST's original petition on its merits in order that this matter may be disposed of in an orderly and expeditious manner. Accordingly, we will grant MST's present petition for reconsideration, set aside our order (FCC 65-406, released May 13, 1965) dismissing its previous petition for reconsideration, and consider that previous petition on its merits.

5. As we have stated, MST's original petition requested dismissal of KMSP-TV's application or revision of the designation order to require that KMSP-TV prove that it cannot use a transmitter site which is consistent with our rules. MST first urges that there is an available area within which KMSP-TV could locate its transmitter and meet all separation requirements, that KMSP-TV has not shown any reason why it could not locate its transmitter in this available area, and that KMSP-TV's application should be dismissed since it has failed to make a threshold showing of good cause for waiver of our rules.

6. MST points out that our designation order held that an applicant need not prove that it is unable to obtain a site in some area other than the one it has chosen and that an objector has an obligation to furnish facts indicating that a site meeting spacing requirements is available. MST asserts that KMSP-TV must show good cause for waiver, since it has failed to comply with the spacing requirements of our rules; that an objector does not have to show that the rule should be enforced; and that KMSP-TV, therefore, must demonstrate that its channel could not be used satisfactorily in an area meeting the spacing requirements. MST, accordingly, asks us to

revise the designation order to make clear that KMSP-TV has the burden of proving that it cannot use a transmitter site complying with § 73.610 of our rules.

7. The Broadcast Bureau notes that KMSP-TV selected its transmitter site in a joint effort to obtain FAA approval of the proposed antenna farm, that KMSP-TV filed its application to obtain better coverage, and that KMSP-TV claims that by its proposal 27,000 persons would receive their first television service, 208,000 persons their second such service, and 422,000 persons a new television service. The Bureau urges that KMSP-TV has alleged sufficient facts in support of its request for waiver of the rule to warrant this hearing (i.e., it has made the necessary threshold showing), particularly since the grant of WAOW-TV's recent transmitter relocation, conditioned upon equivalent protection to KMSP-TV, was made without prejudice to our consideration of KMSP-TV's pending application (FCC 64-1050, released November 13, 1964). KMSP-TV agrees with the Bureau and also opposes MST's original petition.

8. We are convinced that a television applicant seeking waiver of § 73.610(a) of our rules should have the burden of proving every element necessary to show that the public interest will be served by the requested derogation of our rules. Since the applicant seeks waiver of our rules, this is not like the situation in which an objection is made to the applicant's proposal on the ground that, although it complies with the rules, a better service could be provided by another proposal. In the latter situation, it is clear that the complexities of considering alternative proposals require that the hearing be limited to the applicant's specific proposal, but where the applicant seeks waiver of our rules, we agree with MST that the applicant has the burden of proof on the question, if it is raised, as to whether there are other sites which would equally serve the public interest and, at the same time, comply with our rules. The applicant may concede that other transmitter sites meeting our rules are feasible, but argue that, for other overriding public interest reasons, it should be authorized to build at its proposed short-spaced site. However, if the applicant urges that one of the reasons for the relief sought is that no conforming location is available, then it should have the burden of proving that fact, too. And where as here, another party alleges that transmitter sites meeting the rules are available from which the asserted public interest considerations, or their equivalents, can be achieved, then the objecting party should have the burden of going forward with the evidence on this question, but the applicant, if it does not concede the facts alleged, has the burden of persuasion on this as on other issues which must be resolved in order to reach a final determination on its request for waiver.

9. In this proceeding, KMSP-TV has made a sufficient threshold showing of how its proposal would improve television service for the public in the surrounding area so that its application was

properly designated for hearing rather than being dismissed as MST urges. Thus a full record may be compiled of all of the factors which must be weighed in order to determine whether grant of its application would serve the public interest. As we have stated, KMSP-TV has the burden of establishing that its proposal will serve the public interest in light of all of the factors bearing upon that determination. In addition, however, if KMSP-TV disputes the allegation that there is another transmitter site available which is consistent with our rules and which would provide equivalent service for the public, it has the risk of nonpersuasion on this question. After completion of the hearing, the evidence presented will be evaluated to determine whether the public interest would be better served by grant or denial of KMSP-TV's application.

Accordingly, it is ordered, This 14th day of July 1965, that the petition for reconsideration, filed on June 3, 1965, by The Association of Maximum Service Telecasters, Inc., is granted; and

It is further ordered, That the Order, FCC 65-406, released May 13, 1965, is hereby set aside; and

It is further ordered, That the petition for partial reconsideration, filed on March 17, 1965, by The Association of Maximum Service Telecasters, Inc., is granted to the extent reflected herein and is denied in all other respects; and

It is further ordered, That the hearing in this proceeding shall be heard on the basis of the issues specified in the order of designation, released February 15, 1965 (FCC 65-103), as clarified herein.

Released: July 14, 1965.

FEDERAL COMMUNICATIONS
COMMISSION¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-7628; Filed, July 19, 1965;
8:40 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4293]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Sale of Assets

July 14, 1965.

Notice is hereby given that Jersey Central Power & Light Co. ("JCP&L"), Morristown, N.J., 07960, a public-utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and Rule 44 thereunder to the extent applicable to the proposed transaction. All interested persons are referred to said declaration on file in the office of the Commission for a statement of the proposed transaction which is summarized as follows:

JCP&L proposes to sell to the First National Iron Bank of Morristown, N.J.,

¹ Dissenting statement of Commissioner Loevinger filed as part of original document.

a nonaffiliate, approximately 0.12 acres of land, together with the three-story office building located at 18-20 South Street, Morristown, N.J., for a cash consideration of \$150,101. This property was acquired by JCP&L on March 27, 1925, upon the merger into it of one of its predecessor constituent corporations and had been acquired by the latter in 1917 and 1924. JCP&L has used these premises as a Division Office Headquarters for approximately 40 years and following consummation of the proposed sale will continue to occupy the premises as a tenant pursuant to the terms of an agreement with the purchaser until the completion of a new building being constructed for that purpose in the Town of Morristown, which new building is expected to be completed in 1966. The filing states that the proposed sale price was determined by competitive bidding in accordance with the rules of the Board of Public Utility Commissioners of the State of New Jersey, invitations for such bids having been published on December 22 and December 29, 1964, and bids having been received on January 21, 1965.

JCP&L carries this property at the original cost thereof of \$11,916.01 for land and \$81,878.21 for buildings and improvements, or an aggregate of \$93,794.22; and estimates that its reserve for depreciation applicable to said property amounted to \$47,667 as at April 30, 1965.

It is further stated that the Board of Public Utility Commissioners of the State of New Jersey has approved the proposed sale; that, by reason of section 318 of the Federal Power Act, the Federal Power Commission does not have jurisdiction over the proposed sale and transfer by JCP&L if such sale and transfer are authorized by this Commission under the Act; and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses incurred in connection with the proposed transactions are estimated at \$2,200, including legal fees of \$500.

Notice is further given that any interested person may, not later than August 3, 1965, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles distance from the point of mailing) upon the declarant at the above-noted address; and proof of service thereof (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission

may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 65-7597; Filed, July 19, 1965;
8:46 a.m.]

[811-823]

MOTION PICTURE INVESTORS, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

JULY 14, 1965.

Notice is hereby given that Motion Picture Investors, Inc. ("applicant"), 1000 Power & Light Building, Kansas City 5, Missouri, a Missouri corporation and a management, closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Applicant filed its notification of registration pursuant to section 8(a) of the Act on July 9, 1958. On July 11, 1958, applicant filed its Registration Statement on Form N-8B-1 and subsequently issued 43,619 of the 200,000 shares being offered thereunder. Applicant states that as of March 31, 1965, such shares were held by approximately 390 persons.

The application states that at the annual meeting of the shareholders of applicant, held on December 10, 1963, a proposal was adopted to dissolve and liquidate applicant. In connection with this proposal, all of applicant's listed securities have been sold, and applicant has made two liquidating distributions. The first such distribution of \$5.00 per share, aggregating \$218,095.00, was made on December 20, 1963. The second such distribution of \$1.00 per share, aggregating \$43,619.00, was made on October 22, 1964.

As of March 31, 1965, applicant's remaining assets (adjusted to reflect the net proceeds on the sale of certain portfolio securities on May 12 and 13, 1965) consisted of (1) cash in the amount of \$15,153.27 and (2) its investments in the two motion pictures which it is now distributing, "The Checkered Flag" and "Trigger Happy", which have a book value of \$62,217.25. Applicant's liabilities, as of that date, totaled \$2,139.87.

It is represented that applicant will continue to distribute these two films in an effort to recoup its investment and, in addition, will attempt to sell outright its interest in the films. At present, applicant does not know of any prospective purchaser for this interest. Further liquidating dividends will be paid from time to time as the investment in

the two films is converted to cash. No further investment in securities will be made. The final liquidating dividend will be paid and complete dissolution effected when the investment in the two films is fully realized or sold.

All of applicant's undistributed assets, net of its outstanding liabilities, will be held solely for the benefit of its shareholders by Mercantile Bank & Trust Co. ("Bank"), Kansas City, Mo., as Custodian pursuant to the Custodianship Agreement between applicant and Bank dated March 24, 1959. All income derived from the distribution of the two motion pictures will be deposited with the Custodian.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect: *Provided, however*, That if necessary for the protection of investors, such an order may be made upon appropriate conditions. Applicant requests an order of the Commission declaring that it has ceased to be an investment company conditioned as follows: (1) That applicant will file with the Commission abbreviated quarterly unaudited financial reports with respect to its progress in the distribution of the two films referred to in its application, commencing with the fiscal quarter ending June 30, 1965; and (2) that applicant will furnish its shareholders and the Commission with annual unaudited financial statements for all fiscal years ending after March 31, 1965 (at the time such statements would otherwise have become due if applicant had continued to be a registered investment company), until such time as applicant is fully dissolved and liquidated.

Notice is further given that any interested person may, not later than August 6, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Motion Picture Investors, Inc., at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 65-7598; Filed, July 19, 1965;
8:46 a.m.]

[File No. 70-4291]

WASHINGTON GAS LIGHT CO.

Notice of Proposed Acquisition by Exempt Holding Company of Common Stock of Nonassociate Public Utility Co.

JULY 14, 1965.

Notice is hereby given that Washington Gas Light Co. ("Washington") 1100 H Street NW., Washington, D.C., 20005, a public-utility company and an exempt holding company pursuant to Rule 2 promulgated under the Public Utility Holding Company Act of 1935 ("Act"), has filed with this Commission an application, pursuant to sections 9(a)(2) and 10 of the Act, for approval of the acquisition of the common stock of Martinsburg Gas & Heating Co. ("Martinsburg"), a nonassociated public-utility company.

All interested persons are referred to the application on file at the office of the Commission for a statement of the proposed transactions and related facts, which are summarized as follows:

Washington has options to purchase, and proposes to acquire, 91.69 percent of the 200,000 outstanding shares of \$1.00 par value common stock of Martinsburg in exchange for shares of Washington's no par value common stock, on the basis of 1 share of Washington common stock for each 10 shares of Martinsburg. In addition, Washington proposes to offer to acquire the remaining outstanding shares of Martinsburg common stock on the same exchange basis. No fractional shares of Washington's common stock will be issued in connection with the proposed transactions. Arrangements will be made whereby Martinsburg stockholders otherwise entitled under the exchange offer to a fractional share of Washington will be enabled, through the Riggs National Bank, as Agent, either to sell up to nine shares of Martinsburg for cash or purchase a maximum of nine shares to make up one full share of Washington. Expenses of the Agent will be borne by Washington.

Washington is engaged in the distribution of natural gas at retail in the District of Columbia and in adjoining areas of Maryland and Virginia. It has two gas utility subsidiary companies which distribute natural gas in Frederick County of Virginia, Berkeley and Jefferson Counties of West Virginia, and Frederick County of Maryland. The Washington system's supply of natural gas is purchased from The Columbia Gas System, Inc., and, to a relatively minor extent, from Transcontinental Gas Pipe Line Corp. At April 30, 1965, Washington's consolidated assets amounted to \$241,803,000, and for the year ended on that date its consolidated revenues and net income amounted to \$94,719,000 and

\$8,848,000, respectively. As of the same date Washington had outstanding, in addition to debt securities and preferred stock, 3,122,561 shares of no par value common stock, listed on the New York Stock Exchange and on the Philadelphia-Baltimore-Washington Stock Exchange.

Martinsburg, a West Virginia corporation, is engaged in the distribution of natural gas at retail in the city of Martinsburg and environs in Berkeley County, W. Va.—a distance of about 75 miles from Washington, D.C. Martinsburg is connected to, and purchases its supply of natural gas from, Washington's subsidiary company, Shenandoah Gas Co. Martinsburg also conducts a relatively small L-P gas business which, simultaneously with the consummation of the proposed transactions, is to be sold at the net book value thereof. At April 30, 1965, Martinsburg's assets amounted to \$998,628, and for the year then ended its gross revenues and net operating income (exclusive of relatively small amounts derived from the L-P gas business) amounted to \$508,000 and \$48,437, respectively.

On June 21, 1965, the date of the exchange agreement, the 20,000 shares of Washington's common stock to be issued (assuming all of Martinsburg's 200,000 outstanding shares are exchanged) had an aggregate market value of approximately \$720,000, as compared with an aggregate underlying book value of approximately \$398,000 of Martinsburg's outstanding shares. Washington proposes to record its investment in Martinsburg at cost, equal to the market value of its shares issued in exchange plus related expenses, and, in consolidation, to charge to consolidated earned surplus the excess of such recorded value over the underlying book amount of the Martinsburg shares.

The application states that the acquisition of the Martinsburg stock and the issuance of the Washington stock (including the accounting in respect thereof) are subject to the approval of the Public Service Commission of the District of Columbia and the State Corporation Commission of Virginia; and that copies of the orders of such commissions will be filed as an amendment to the application. The fees and expenses to be incurred by Washington in connection with the proposed transactions are estimated at \$5,500, including accountant's fees and expenses of \$2,000 and the exchange agent's fees and expenses of \$500. The fees and expenses of Martinsburg are estimated not to exceed \$500.

Notice is further given that any interested person may, not later than August 12, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500

miles from the point of mailing) upon the applicant at the above address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules, as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 65-7599; Filed, July 19, 1965;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12175 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Application¹

JULY 13, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in ac-

cordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before August 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIE,
Secretary.

Docket No. and Date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-12175 D 7-6-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Northern Natural Gas Co., Hansford Field, Hansford and Hutchinson Counties, Tex.	Assigned	-----
G-12699 E 7-1-65	Bone Creek Gas Co. (successor to Marathon Oil Co.), c/o David D. Taylor, President, Allegheny Land & Mineral Co., agent, 318 Professional Bldg., Clarksburg, W. Va., 26301.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	20.0	15.325
G-12680 C 7-6-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	Tennessee Gas Transmission Co., Vermilion Block 46 Field, Offshore, La.	120.625	15.025
G-17022 E 7-2-65	Socony Mobil Oil Co., Inc. (successor to Franco Western Oil Co., a division of Franco Wyoming Oil Co.), Post Office Box 2444, Houston, Tex., 77001.	West Lake Natural Gasoline Co., Nena Lucian Field, Nolan County, Tex.	19.0	14.65
G-17189 ² C 6-21-65 ² 7-6-65 ²	R. H. Siegfried, Inc., et al., Post Office Box 838, Tulsa, Okla., 74101.	Natural Gas Pipeline Co. of America, South Cundiff Field, Jack County, Tex.	15.30	14.65
G-18812 E 7-6-65	Morris R. Antwell d.b.a. Hobbs Pipe and Supply Co. (successor to Hanley Co., Operator), c/o Ann K. Headstream, Bookkeeper, Box 2010, Hobbs, N. Mex.	West Lake Natural Gasoline Co., South Lake Trammel Field, Nolan County, Tex.	5.0	14.65

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and Date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CP66-1200 D 6-25-65	Graham-Michaels Drilling Co. (Operator), et al., c/o W. F. Schell, attorney, 1400 Wichita Plaza Bldg., Wichita, Kans. (Partial Abandonment).	Northern Natural Gas Co., Harper Ranch, North Morrow Sand Pool, Clark County, Kans.	(*)	-----
CP66-183 D 6-17-65	Sunray D.X. Oil Co., Post Office Box 2039, Tulsa, Okla., 74102 (Partial abandonment).	Northern Natural Gas Co., acreage in Beaver County, Okla.	Depleted	-----
CP66-1241 C 7-6-65	Union Oil Company of California, Union Oil Center, Los Angeles, Calif., 90017.	Michigan Wisconsin Pipe Line Co., Northwest Chester Field, Woodward County, Okla.	17.0	14.65
CP66-902 C 7-6-65	Delta Drilling Co. (Operator), et al., Post Office Box 2012, Tyler, Tex.	Northern Natural Gas Co., Ogona Area, Crockett County, Tex.	16.0	14.65
CP66-381 C 7-2-65	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex., 77001.	Northern Natural Gas Co., Rosston Area, Harper County, Okla.	17.0	14.65
CP66-755 C 7-2-65	Texas Crude Oil Co. (Operator), et al., 2501 Ridgmar Plaza, Post Office Box 12405, Fort Worth, Tex., 76116.	El Paso Natural Gas Co., Sonora Field, Sutton County, Tex.	16.0	14.65
CP66-1 A 7-1-65	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex., 75201.	Arkansas Louisiana Gas Co., Gilmer Area, Upshur County, Tex.	*12.03	14.65
CP66-2 A 7-3-65	Delta Corp., 706 First National Bldg., Oklahoma City 2, Okla.	Northern Natural Gas Co., Southeast Logan Field, Beaver County, Okla.	17.0	14.65
CP66-3 A 7-3-65	Northwest Production Corp., Post Office Box 1796, El Paso, Tex., 79949.	El Paso Natural Gas Co., South Blanco Field, Rio Arriba County, N. Mex.	13.0	15.025
CP66-4 A 7-3-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Natural Gas Pipeline Co. of America, Putnam Field, Dewey County, Okla.	17.0	14.65
CP66-5 F 7-3-65	Austral Oil Co., Inc. (successor to Socony Mobil Oil Co., Inc.), 2700 Humble Bldg., Houston, Tex., 77002.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CP66-6 B 7-3-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Cities Service Gas Co., Bradley Plant, Golden Trend Area, Garvin County, Okla.	(*)	-----
CP66-7 A 7-6-65	J. F. Stephenson (Operator), et al., c/o George N. Otey, Jr., attorney, Post Office Box 758, Ardmore, Okla., 73401.	Lone Star Gas Co., acreage in Carter County, Okla.	15.0	14.65
CP66-8 A 7-6-65	Austral Oil Co., Inc. (Operator), et al., 2700 Humble Bldg., Houston, Tex., 77002.	Arkansas Louisiana Gas Co., Northwest Colquitt Field, Calhoun Parish, La.	*13.453	15.025
CP66-9 A 7-6-65	The Bradley Producing Corp., 313 North Main Street, Wellsville, N.Y.	Michigan Wisconsin Pipe Line Co., Northeast Cedarvale Field Area, Major County, Okla.	19.5	14.65
CP66-10 A 7-6-65	Calvert-Mid America, Inc., 4th Floor, National Bank of Tulsa Bldg., Tulsa, Okla., 74103.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	*17.0	14.65
CP66-11 A 7-6-65	Edwin L. Cor., 2100 Adolphus Tower, Dallas, Tex., 75202.	Penton & Penton, acreage in Beauregard Parish, La.	15.3	15.025
CP66-12 A 7-6-65	American Trading and Production Corp., Post Office Box 238, Baltimore, Md., 21203.	El Paso Natural Gas Co., Brown-Bassett Field, Crockett County, Tex.	*11.5	14.65

- * Includes 1.625 cents per Mcf tax reimbursement.
 * Rate in effect subject to refund in Docket No. R165-322.
 * Application previously notified July 1, 1965, in Docket Nos. G-3083, et al. at a total initial price of 15.80 cents per Mcf inclusive of 0.80 cent estimated; B.t.u. adjustment.
 * In addition to adding acreage amendment is also to include name of signatory coowner under contract.
 * Corrected application filed to reflect a total initial price of 15.30 cents in lieu of 15.80 cents per Mcf.
 * Includes 0.25 cent dehydration allowance and 0.80 cent estimated B.t.u. adjustment.
 * Pending—no permanent certificate issued; temporary authorization granted June 28, 1962, covering subject sale.
 * Partial abandonment insofar as acreage covered under FPC GRS No. 50, due to depletion of reservoir and water intrusion.
 * Subject to reduction for treating and compression charges.
 * Gas sales contract provides for the sale of surplus residue gas remaining at Bradley Plant after the fulfillment of prior contract commitments. There has been no surplus gas available for delivery under this contract since January 1962, and there is no foreseeable prospect of future deliveries thereunder.
 * Includes 1.333 cents per Mcf tax reimbursement.
 * Subject to B.t.u. adjustment.
 * 14.0 cents less 4.5 cents for diluent removal.

[F.R. Doc. 65-7600; Filed, July 19, 1965; 8:45 a.m.]

[Docket No. CP66-4]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Application

JULY 12, 1965

Take notice that on July 6, 1965, Tennessee Natural Gas Lines, Inc. (Applicant), 1003 Nashville Trust Building, Nashville 3, Tenn., filed in Docket No. CP66-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in Applicant's presently authorized firm service to the Nashville Glass Plant of Ford

Motor Co. (Ford) from 8,300 Mcf per day to 14,300 Mcf per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Ford desires to shift the 6,000 Mcf per day from interruptible to firm because of difficulties experienced in plate glass manufacturing. A similar change was heretofore authorized in Docket Nos. G-19302 and CP61-27 to correct difficulties in window glass manufacturing. Originally, Ford used only interruptible service.

No new facilities will be required to render the proposed service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (157.10), on or before August 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-7601; Filed, July 19, 1965; 8:46 a.m.]

[Docket No. CP66-2]

WISCONSIN POWER AND LIGHT CO.

Notice of Application

JULY 12, 1965.

Take notice that on July 2, 1965, Wisconsin Power and Light Co. (Applicant), 122 West Washington Avenue, Madison, Wis., filed in Docket No. CP66-2 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), to extend its gas transportation facilities near Marion, Wis., to establish physical connection of such facilities with facilities to be constructed by Applicant and to sell natural gas to Applicant for distribution and resale in Marion, DuPont, Larrabee, and Grant, Wis., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Michigan Wisconsin construct and operate approximately 4 miles of 4-inch lateral and a gate station for the delivery of gas to Applicant near Marion. The lateral would extend from Michigan Wisconsin's Weyauwega-Marquette transmission line.

The estimated volumes of natural gas necessary to meet annual and maximum day requirements for the first 3 years of operation of the project are as follows:

	First year	Second year	Third year
Annual (Mcf).....	30,822	73,312	118,677
Maximum day (Mcf).....	221	537	625

Applicant proposes to construct a regulator station, 4.4 miles of 4-inch lateral extending from the gate station to be constructed by Michigan Wisconsin to Marion and a distribution system in Marion at a total estimated cost of \$263,710. The cost of construction is to be financed from funds on hand or funds made available from the sale of securities as may be necessary as part of Applicant's overall construction program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before August 6, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-7602; Filed, July 19, 1965;
8:46 a.m.]

[Project No. 1971]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

JULY 15, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r), by Idaho Power Co. (correspondence to: T. E. Roach, President, Idaho Power Co., Boise, Idaho), for amendment of the license for Project No. 1971, located on the Snake River, in Idaho and Oregon.

The application seeks to include in the license for the project the proposed Boise Bench—Midpoint 230 kv. transmission line crossing Ada, Elmore, Gooding, and Lincoln Counties, Idaho, and affecting lands of the United States. The line would provide transmission capacity for the increasing loads on Idaho Power Co.'s system and serve as a backup line for the existing Boise—Brady 230 kv. transmission lines.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 30, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-7663; Filed, July 19, 1965;
8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Chicago Regional
Office; Disaster 2-65]

MANAGER, DISASTER FIELD OFFICE, ROCK ISLAND, ILL.

Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30, Chicago Regional

Office, Disaster No. 2-65 (30 F.R. 7409), is hereby rescinded in its entirety.

Effective date. July 16, 1965.

THOMAS E. GAUSE,
Regional Director, Chicago, Ill.

[F.R. Doc. 65-7593; Filed, July 19, 1965;
8:45 a.m.]

[Delegation of Authority 30—New York
Area (Revision 1)]

NEW YORK AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 1), 30 F.R. 972, as amended, 30 F.R. 2742, the following authority is hereby redelegated to the Regional Directors of the New York, Puerto Rico, and Syracuse Regional Offices within the New York Area:

A. Financial assistance. 1. To approve business and disaster loans not exceeding \$350,000—(SBA's share).

2. To decline business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loan and disaster loan participation agreement with banks.

5. To approve section 502 loans as follows:

a. Direct loans not exceeding \$50,000.
b. Participation loans when the banks share is 10 percent or more—not to exceed \$100,000.

6. To decline loan applications in the categories described in Item I.A.5., above.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____
(Name)
Regional Director.
(City)

8. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents, and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

12. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster offices when no longer advisable to maintain such offices.**

13. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

B. [Reserved]

C. Procurement and management assistance. 1. To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed \$100,000, except in the case of the Puerto Rico Regional Director, when the total amount of the contract does not exceed \$50,000.**

2. To deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to the production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case.**

D. Administration. 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.**

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

3. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administra-

tion for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial purposes only. Product classification decisions for procurement purposes are made by contracting officers.

II. [Reserved]

III. The specific authority delegated in subsection 1.A.12; subsections I.C. 1 and 2; and subsections I.D.1 herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the regions.

IV. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

V. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date. July 1, 1965.

CHARLES H. KRIGER,
Area Administrator, New York Area.

[F.R. Doc. 65-7592; Filed, July 19, 1965;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 15, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39905—*Liquefied petroleum gas to WTL and southwestern territories.* Filed by Western Trunk Line Committee, agent (No. A-2412), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from points in Colorado, Utah, and Wyoming, to points in southwestern and western trunk-line territories.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplements 17 and 9 to Western Trunk Line Committee, agent,

tariffs ICC A-4530 and A-4572, respectively.

FSA No. 39906—*Freight all kinds from Memphis, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8746), for interested rail carriers. Rates on freight, all kinds, less-than-carload, including only articles rated higher than class 70, and applicable only as proportional rates on traffic as described in the application, from Memphis, Tenn., to Tyler, Tex.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 59 to Southwestern Freight Bureau, agent, tariff ICC 4387.

FSA No. 39907—*Returned shipments of starch from Indianapolis, Ind.* Filed by Southwestern Freight Bureau, agent (No. B-8747), for interested rail carriers. Rates on returned shipments of starch, in airslide and covered hopper cars, in carloads, from original destination to original point of shipment, from Evadale, Houston, and Silsbee, Tex., to Indianapolis, Ind.

Grounds for relief—Carrier competition.

Tariffs—Supplements 320 and 31 to Southwestern Freight Bureau, agent, tariffs ICC 4400 and 4610, respectively.

FSA No. 39908—*Sulphuric acid to Mt. Pleasant, Tenn.* Filed by O. W. South, Jr., agent (No. A-4728), for interested rail carriers. Rates on sulphuric acid, in tank carloads, subject to minimum shipment of five tank carloads, from LeMoyné, Ala., Baton Rouge and North Baton Rouge, La., and Copperhill, Tenn., to Mt. Pleasant, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 126 to Southern Freight Association, Agent, tariff ICC S-162.

FSA No. 39909—*Livestock from, to, and within southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8753), for interested rail carriers. Rates on livestock, in carloads, between points within southwestern territory, also between such points on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-7609; Filed, July 19, 1965;
8:47 a.m.]

[Notice 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 15, 1965.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication,

within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 45736 (Sub-No. 16 TA), filed July 13, 1965. Applicant: GUIGNARD FREIGHT LINES, INC., 646 Atando Avenue, Charlotte, N.C., 28206. Applicant's representative: W. Delbert Turner, Sr., Planning Consultants, Inc., 1415 East Boulevard, Charlotte, N.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plywood, from the site of the Multi-Ply Corp., Charlotte, N.C., to points in Florida, for 180 days. SUPPORTING SHIPPER: Multi-Ply Corp., 4709 Rozzells Ferry Road, Charlotte, N.C., 28214. SEND PROTESTS TO: Jack K. Huff, Acting District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C.

No. MC 78786 (Sub-No. 260 TA), filed July 13, 1965. Applicant: PACIFIC MOTOR TRUCKING COMPANY (a corporation), 9 Main Street, San Francisco, Calif., 94105. Applicant's representative: John MacDonald Smith, 65 Market Street, San Francisco, Calif., 94105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except commodities requiring special equipment, commodities in bulk, and household goods), from Klamath Falls, Ore., to Medford, Ore., from Klamath Falls over unnumbered highway to Lake of the Woods, Ore., thence over unnumbered roads to Lake Creek, Ore., thence over unnumbered roads via Eagle Point, Ore., to junction Oregon Highway 62, thence over Oregon Highway 62 to Medford, and return over same route, serving Brownsboro, Ore., and all other intermediate points on the route to the east of Brownsboro, for 180 days. SUPPORTING SHIPPERS: R. D. Lien, Regional Traffic Manager, Sears, Roebuck & Co., Seattle, Wash., R. H. Bilger, Manager, Odessa Marina (via) Klamath Falls, Ore., Albert M. Osterman, Rifemaker, Box 190, Little Butte Star Route, Eagle Point, Ore., Lake Creek Division of Cascade Ranches, Inc., Post Office Box 526, White City, Ore., U. S. Atkinson, Lake Creek Store, Lake Creek, Ore., Mrs. M. A. Keefer, Keefer's Fireside Inn, Box 63, Rocky Point Route, Klamath Falls, Ore., Fish Lake Resort (via) Medford, Ore., Emery L. Hardcastle, Odessa Mercantile (via) Klamath Falls, Ore., Brownsboro Cafe, Eagle Point, Ore., Brownsboro Tavern, Eagle

Point, Oreg., Robert Baldwin, Odessa Ranch Cafe (via) Klamath Falls, Oreg., Fletcher Wellington, Lake of the Woods Resort Co., Lake of the Woods, Oreg., Mrs. A. E. Wampler, Odessa Ranch (via) Klamath Falls, Oreg. SEND PROTESTS TO: Wm. R. Murdoch, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif., 94102.

No. MC-124048 (Sub-No. 24 TA), filed July 14, 1965. Applicant: SCHWERMANN TRUCKING CO. OF INDIANA, INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis., 53246. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bulk cement, from Elkhart, Ind., to Chicago, Ill., Allegan, Bangor, Benton Harbor, Berrien Springs, Cassopolis, Colon, Constantine, Decatur, Dowagiac, Hartford, Hastings, Kalama-zoo, Lawton, Niles, Marcellus, New Buffalo, Saint Joseph, South Haven, Sturgis, Three Rivers, Vicksburg, and White Pigeon, Mich., for 180 days. SUPPORTING SHIPPER: General Portland Cement Co., 111 West Monroe Street, Chicago, Ill., 60603. SEND PROTESTS TO: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-7610; Filed, July 19, 1965;
8:47 a.m.]

[Notice 1204]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 15, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC-FC-35396. By order of July 14, 1965, the Transfer Board approved the lease by William Earnhardt, doing business as Earnhardt Transport, 205 East Council Street, Salisbury, N.C., of the operating rights of Southern Pine Express, Inc., Granite Quarry, N.C., issued April 20, 1960, and April 6, 1961, in Certificates Nos. MC-116622, and MC-116622 (Sub-No. 8), authorizing the transportation, over irregular routes, of lumber (except plywood and veneer) from points in specified counties in North Carolina, to points in Tennessee, Kentucky, Ohio, West Virginia, a described portion of West Virginia, and a described portion of Pennsylvania, from points in specified counties in North Carolina to points in Tennessee, Kentucky, Ohio, and a portion of Virginia, and from points in specified counties in South Carolina to points in Tennessee, Kentucky, Ohio, West Virginia, a described portion of Virginia, and points in a described portion of Pennsylvania and of wooden pallets, from Ansonville, N.C., to points in Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

No. MC-FC-67646. By order of July 14, 1965, the Transfer Board approved the transfer to North Central Freight Lines, Inc., Marshalltown, Iowa, of the operating rights issued by the Commission May 4, 1962, under Certificate No. MC-124148, to Andrew G. Nelson, Inc., Chicago, Ill., authorizing the transportation, over irregular routes, of new and used store fixtures, new and used household goods, and stock in trade of drug stores, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Jack H. Blanshan, 402 West Main, Marshalltown, Iowa, attorney for transferee.

No. MC-FC-67914. By order of July 14, 1965, the Transfer Board approved the transfer to John Pulvermacher, doing business as Belleville Truck Lines, Cross Plains, Wis., of the operating rights in the certificate of registration in No. MC-99986 (Sub-No. 1), issued June 17, 1964, to Marcus Pulvermacher, doing business as Belleville Truck Line, Dane, Wis., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized by the Common Motor Certificate No. CC-841, dated January 25, 1957, issued by the Public Service Commission of Wisconsin. John T. Porter, 1 South Pinckney Street, Madison, Wis., attorney for applicants.

No. MC-FC-67936. By order of July 14, 1965, the Transfer Board approved the transfer to Montana Transfer Co., a

corporation, 401 West Railroad Street, Missoula, Mont., of the certificate of registration in No. MC-121089 (Sub-No. 1), issued July 8, 1965, to Harry T. Northey and Lyle R. Heath, a partnership, doing business as Montana Transfer Co., 401 West Railroad Street, Missoula, Mont., authorizing transportation in interstate or foreign commerce corresponding to the authority in certificate of public convenience and necessity M.R.C. No. 2705, dated April 5, 1960, issued by the Board of Railroad Commissioners of the State of Montana.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-7611; Filed, July 19, 1965;
8:47 a.m.]

[Section 5a Application 73 (Amdt. 2)]

OHIO MOTOR FREIGHT TARIFF COMMITTEE, INC.

Proposed Change in Agreement Bylaws

JULY 15, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed July 9, 1965, by:

Jesse L. Himmelreich, 40 West Gay Street,
Columbus, Ohio, 43215.

Amendments involved: Change in the bylaws to provide for additional participation by Class "C" members in the activities of Ohio Motor Freight Tariff Committee, Inc.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-7612; Filed, July 19, 1965;
8:48 a.m.]

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